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THE  
ACTS AND RESOLVES,  
PUBLIC AND PRIVATE,  
OF THE  
PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED  
THE CHARTERS OF THE PROVINCE.  
WITH  
HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

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PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT  
OF THE COMMONWEALTH FOR THE YEAR 1867.

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VOLUME XII.,  
BEING VOLUME VII. OF THE APPENDIX.  
CONTAINING  
RESOLVES, ETC., 1734-1741.

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1734-35.

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Ms. A. 9. 2. 18





# LEGISLATIVE LIST<sup>1</sup>

FOR

1734-35.

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HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, ESQ.,  
SECRETARY OF THE PROVINCE.

THADEUS MASON, ESQ.,  
DEPUTY SECRETARY.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

BENJAMIN LYNDE	}	ESQRS.
ADDINGTON DAVENPORT		
THOMAS HUTCHINSON		
THOMAS FITCH		
EDMUND QUINCEY		
PAUL DUDLEY		
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*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

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MELETIAH BOURNE		

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*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

WILLIAM PEPERRELL, TIMOTHY GERRISH & SAMUEL CAME, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN JEFFRYS, ESQ.

<sup>1</sup> See Legislative Records of the Council, xvi., 1-4.

*For the Province, at large: —*

FRANCIS FOXCROFT & EDWARD GODDARD, ESQRS.

# REPRESENTATIVES OR DEPUTIES.

*May 29, 1734 to April 19, 1735.*

MR. JOHN QUINCEY, SPEAKER.

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 . . . Mr. Thomas Cushing.  
*Roxbury*, . . . John Bowles, Esq.  
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*Watertown*, . . . Joseph Mason, Esq.

## COUNTY OF MIDDLESEX — *Concluded.*

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*Sudbury*, . . . Mr. Jonathan Rice.  
*Marlboro'*, . . . Mr. Joseph Rice.  
*Groton*, . . . Benjamin Prescott, Esq.  
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*Billerica*, . . . Capt. Benjamin Tomson.  
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*Malden*, . . . Mr. Timothy Sprague.  
*Woburn*, . . . Mr. John Fowle.  
*Lexington*, . . . Capt. Joseph Bowman.  
*Weston*, . . . Mr. Ebenezer Allen.  
*Dunstable*, . . . Capt. Joseph Blanchard.  
*Medford*, . . . Mr. William Willis.  
*Stonham*, . . . Capt. John Vinton.

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*Northampton*, . . . John Stoddard.  
*Hatfield*, . . . Capt. Israel Williams.  
*Hadley*, . . . Mr. William Partridge.  
*Westfield*, . . . John Ashley, Esq.  
*Suffield*, . . . Mr. Christopher Jacob Law-  
 . . . ton.  
*Enfield*, . . . Mr. Nathaniel Collins.  
*Deerfield*, . . . Capt. Thomas Wells.

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*Worcester*, . . . John Chandler, Jun., Esq.  
*Lancaster*, . . . Capt. Ephraim Wilder.  
*Mendon*, . . . Capt. Benjamin Love.<sup>1</sup>  
*Woodstock*, . . . Mr. Joseph Lyon.  
*Brookfield*, . . . Joseph Dwight, Esq.  
*Lunenburg*, . . . Col. Josiah Willard.

## COUNTY OF PLYMOUTH.

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*Scituate*, . . . Mr. Thomas Bryant.  
*Marshfield*, . . . John Little, Esq.  
*Duxbury*, . . . Col. John Alden.

<sup>1</sup> In the Town Records for the town of Mendon, and in the House Journal, this name appears as Capt. Daniel Lovet.

COUNTY OF PLYMOUTH — *Concluded.*

*Bridgwater*, . . Major John Holman.  
*Middleboro*, . . Mr. Sammel Barrow.  
*Rochester*, . . Mr. Thomas Dexter.  
*Plympton*, . . Mr. Samuel Bradford.  
*Pembroke*, . . Mr. Elisha Busby.

## COUNTY OF BARNSTABLE.

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*Yarmouth*, . . Mr. Samuel Sturgis.  
*Sandwich*, . . Mr. Stephen Skiffe.  
*Eastham*, . . Mr. William Payne.  
*Harwich*, . . Thomas Clark, Esq.

## COUNTY OF BRISTOL.

*Bristol*, . . . Charles Church, Esq.  
*Taunton*, . . Capt. Samuel Williams.  
*Rehoboth*, . . Mr. James Brown.

COUNTY OF BRISTOL — *Concluded.*

*Swansey*, . . . Joseph Mason, Esq.  
*Little Compton*, Thomas Church, Esq.  
*Dartmouth*, . . Capt. Samuel Cornel.  
*Tiverton*, . . . Job Almy, Esq.  
*Dighton*, . . . Mr. Edward Shove.  
*Norton*, . . . George Leonard, Esq.

## COUNTY OF YORK.

*York*, . . . . Mr. Richard Milberry.  
*Kittery*, . . . Mr. Richard Cutt, Junior.  
*Wells*, . . . . Joseph Hill, Esq.  
*Berwick*, . . . Mr. Richard Lord.  
*Falmouth*, . . Capt. Dominicus Jordan.

## IN THE COUNTY OF NANTUCKETT.

*Sherburn*, . . . George Bunker, Esq.





# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1734.

## CHAPTER 1.

ORDER OF NOTICE ON THE PETITION OF ELEAZER RHODES & OTHERS  
PRAYING TO BE ANNEXED TO WALPOLE.

A PETITION of Eleazer Rhodes Nath<sup>l</sup> Prebble and John Rhodes all of Stoughton Shewing that they live very Remote from the Meeting house there and the way very bad so that they have always attended the Publick Worship of God at Walpole with their Familys and have assisted in Supporting the Ministry there and therefore praying that the Pet<sup>rs</sup> with their Familys and Estates may be Set off from the Town of Stoughton and laid to the Town of Walpole.

Read and

*Ordered* that the Pet<sup>rs</sup> Serve the Town of Stoughton with a Copy of the petition that they shew cause if any they have on Tuesday the Eleventh of June<sup>1</sup> next why the prayer thereof should not be Granted.  
[*Passed May 31.*]

Legislative  
Records of the  
Council, xvi., 7.  
House Jour-  
nal, p. 9.

## CHAPTER 2.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE LINE  
BETWEEN MASS<sup>A</sup> AND CONNECT<sup>T</sup>.

WE THE SUBSCRIBERS being Appointed by the Governments of the Massachusetts Bay and Connecticutt to perambulate and Renew the Bounds or Patent line established and Agreed on Anno 1713 as by the Acts of each Government impowring us thereto passed by the General Assembled of the Massachusetts in October last and by the General Assembly of Connecticutt in October aforesaid Having Mett at the heap of Stones Eastward of Chaubumacungamoag Pond being the first Monument Mentioned in the Report of the Riding Commissioners 1712 and made one Monument being an Heap of Stones near fourscore perch Eastward thereof, being the North east Corner of the Colony aforesaid; Thence we Continued the Line West Allowing Ten degrees to the Northward for the Magnetick Variation, We Run by many other Marked Trees and Monuments a little Southward of the said Pond to aheap of Stones Eastward of the Path from Oxford to Killingly, & thereon marked a Stone M on the North and C On the South side thereof, & then Continued the said line between the House & Barn of Nathanael Brown by Sundry marked Trees, and other Monuments to a White Oak tree four Perch east of Stony River, Marked by the former Commissioners M C as aforesaid, with other Letters; from thence Continued

Legislative  
Records of the  
Council, xvi., 8.  
House Jour-  
nal, p. 12.  
Province  
Laws, ii., 695,  
chap. 8; ix.,  
329, chap. 139;  
xi., 790, chap.  
204.

<sup>1</sup> At the above-mentioned hearing, House Journal, p. 29 (June, 1734), the petition was dismissed.

by Sundry Marked Trees and other Monuments to aheap of Stones Eastward of the Road from Oxford to Woodstock & one hundred and twenty Six Rods Southward of the Northeast Corner of the said Town of Woodstock; these Marks being all Mentioned in the said Report of 1713; From thence by the bounds of Woodstock to the Southeast Corner thereof being a Pine tree with a large heap of Stones thereabouts; Then we turned the Corner and Renewed the South bounds of Woodstock by many Marks and Monuments to the Southwest Corner of Woodstock, being aheap of Stones on a Rock; Thence on a Strait line to the north West Corner of said Town; Runing North Seven Deg. East; And in these West bounds are Erected Seven large heaps of Stones, viz<sup>t</sup> one at the end of one Mile and Forty Perch from the South west Corner, the Second at the End of two Miles, the third on the top of Sugar Loaf hill, the fourth at the end of four Miles, the fifth at the end of five miles, the Sixth at the End of Six Miles, the Seventh at the end of forty one Rods Northw<sup>d</sup> of the Seventh Mile, being alarge heap of Stones, and is about One hundred & Sixty Perch South of a large Pine tree, with Stones about it, made Mention of in the said Report 1713 and Sixty Six perch South of the said North West Corner of Woodstock; From this Pine we Continued the Course West Allowing the aforesaid Variation by a line of mark'd Trees to a heap of Stones on the East side of the Road from Woodstock to Brimfield made by former Commissioners tho<sup>t</sup> not in their Report mentioned; thence by Marked trees and Monuments over Quineboag River to a heap of Stones on the West side of the Path from Brimfield to Union, and Continuing the same Course we Erected a heap of Stones Round a White Oak Stoddle on the West side of the Path from Brimfield to Stafford and from thence to a heap of Stones on a high bald hill made 1713, thence to a Path Runing North and South on the West side whereof we Erected a large heap of Stones; thence to the heap of Stones on East hill, thence to aheap of Stones on the top of East Mountain, thence to a heap of Stones ateast foot of West Mountain; These three monuments being made by former Commissioners, & the last mentioned is the East bounds of Enfield and North west Corner of Stafford and between all the Marks & monuments in the Report mentioned there is marked trees and many other Monuments Either made by us or the former Commissioners. We left off at the Last mentioned Corner being late on the Saturday.

Dated at Enfield East Precinet the 11<sup>th</sup> of May 1734

WILL<sup>M</sup> DUDLEY

EBEN<sup>R</sup> BURRILL

JOHN CHANDLER JUN<sup>R</sup>

ROGER WOLCOT

JON<sup>A</sup> BURNHAM

ROGER NEWBURY

JAMES LEAVINS.

Read and Accepted. [*Passed June 4.*]

## CHAPTER 3.

### ORDER APPOINTING A COMMITTEE ON COMPLAINT OF THE TETICUT INDIANS.

A PETITION of Joseph Peters John Simon & Job Ahanton Indians of Teticut Shewing That one Stephen David an Indian having married One of their Tribe pretended a Right to Lands at Teticut & obtained leave of this Court to Sell a Considerable Quantity of said land after the death of his wife by whom he had no Child which land of Right belongs to the Pet<sup>rs</sup> and therefore praying for Relief from this Court.

In the House of Represent<sup>a</sup> Read and

Legislative  
Records of the  
Council, xvi.,  
10.

House Jour-  
nal, p. 12.

*Ordered* That Col<sup>o</sup> Alden & M<sup>r</sup> Shove be Desired & Impowred to Enquire in to the Subject Matter of the Complaint and Greif of the Peti<sup>rs</sup> & Report their opinion of what may be proper for the Court to do for their Relief in the next Sitting of the Court.

In Council Read & Concurr'd & that Seth Williams Esq<sup>r</sup> be Joined in the affair. [*Passed June 4.*]

## CHAPTER 4.

### ORDER INCREASING JOHN LARRABEES ALLOWANCE FOR VICTUALLING THE GARRISON AT CASTLE WILLIAM.

A PETITION of John Larrabee Victualler of the Garrison at his Majestys Castle William Shewing That by Reason of the Growing price of Provisions he has Suffered Loss by Victualling the said Garrison And therefore praying for an Additional Allowance therefor. Read & in answer to this Petition

Legislative  
Records of the  
Council, xvi.,  
10.

House Jour-  
nal, p. 11.  
Province  
Laws, xi., 571,  
chap. 80.

*Ordered* That the pet<sup>r</sup> be and hereby is Allowed to make up his next Accompt of Victualling the Garrison of his Majestys Castle William at twelve shillings *p* man *p* Week to Commence from the time of passing the last Acco<sup>t</sup> of Victualling said Garrison this being an Allowance of two shillings *p* Week more than was made in the last Establishment of Victualling said Garrison. [*Passed June 4.*]

## CHAPTER 5.

### ORDER OF NOTICE ON THE PETITION OF THE SOUTH PRECINCT IN PLIMPTON PRAYING TO BE ERECTED INTO A TOWNSHIP.

A PETITION of the Agents for the South Precinct in Plympton Setting forth the Great Disadvantages they are Under in being Continued as a part of the said Town and praying that the said Precinct may be set off from thence and made a Seperate Township by their present bounds with the Addition of Several Familys and Estates which the Town of Middleborough Voted off to be Added to the Petitioners.

Legislative  
Records of the  
Council, xvi., 8.

House Jour-  
nal, p. 13.

Read &

*Ordered* that the Pet<sup>rs</sup> Serve the Town of Plimpton with a Copy of this Petition that they shew Cause if any they have on Tuesday the Eighteenth Instant why the Prayer thereof should not be Granted. [*Passed June 5.*<sup>1</sup>]

## CHAPTER 6.

### ORDER OF NOTICE ON W<sup>m</sup> CARLEYS PETITION FOR A NEW TRIAL WITH A STAY OF EXECUTION.

ON THE PETITION of William Carley [Province Laws, xi., 798, chap. 225]

Legislative  
Records of the  
Council, xvi.,  
11.

Read together with the Answer of Josias Byles and the same being fully Considered.

House Jour-  
nal, p. 17.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 4.

Province  
Laws, xi., 798,  
chap. 225.

*Ordered* That the prayer of the petition be Granted & that the pet<sup>r</sup> be allowed a Trial of the Case within mentioned upon the Merits at the next Sup<sup>r</sup> Court of Judicature to be holden, at Boston for the County of Suffolk and the Justices of the said Court are Accordingly Impowred and Directed to hear and Determine the said Cause & that Execution on the former Judgment be Suspended in the mean time Provided the Pet<sup>r</sup> File his Reasons of Appeal According to Law & Serve the Adverse party with a Copy thereof and of this order at least fourteen days before the Sitting of the said Superiour Court provided also that the pet<sup>r</sup> Give Bond with Sufficient Sureties to the said Josias Byles to Satisfy such Judgment as may be Recovered Against him by the said Byles at the said Superiour Court. [*Passed June 6.*<sup>1</sup>

## CHAPTER 7.

### ORDER ALLOWING £10 TO W<sup>M</sup> CUMMINS.

Legislative  
Records of the  
Council, xvi.,  
12.

House Jour-  
nal, pp. 13, 15.

A PETITION of William Cummins of Dunstable shewing That he was Greivously wounded by the Indians in the late War by which he is yet much disabled from Labouring for the Support of himself and family And therefore praying Either for a Sum of money out of the Publick Treasury or liberty to sell Drink without Excise<sup>2</sup>

Read & in Answer to this petition

*Ordered* that the Sum of Ten pounds be Granted & paid out of the Publick Treasury to William Cummins in consideration of the Smart pain and Misfortune he Suffers by Reason of the wound he Recēd in the Publick Service as within mentioned. [*Passed June 6.*

## CHAPTER 8.

### ORDER OF NOTICE ON NATICOOK PROP<sup>RS</sup> PETITION TO BE ERECTED INTO A TOWNSHIP.

Legislative  
Records of the  
Council, xvi.,  
12.

House Jour-  
nal, p. 15.

A PETITION of the Proprietors of Naticook & Lands Adjoyning thereto on the East & west sides of Merrimack River partly in the Town of Dunstable & partly in the Town of Nottingham Shewing that the said Lands are Commodiously Situated for a Township and the Proprietors have Supported a miuister there for some time past and therefore Praying that the said Lands may be Erected into a Township

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Towns of Dunstable & Nottingham with Copys of this petition that they show Cause if any they have on Wednesday the Nineteenth day of June Currant if the Court be then Sitting if not on the first Tuesday of the next Sitting of the Court why the prayer thereof should not be Granted. [*Passed June 6.*

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 5.

<sup>2</sup> The committee's report *not* accepted.



## CHAPTER 9.

## ORDER APPOINTING A COMMITTEE ON THE LIGHT HOUSE REPAIRS.

A MEMORIAL of Robert Ball keeper of the Lighthouse on Beacon Island Setting forth the decayed Condition thereof and of the Dwelling house & wharff there & praying this Courts Consideration thereof.

In the House of Represen<sup>t</sup> Read &

*Ordered* that Elisha Cooke & Daniel Epes Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> to Repair to Beacon Island view the Lighthouse, Dwelling house and wharff there & Report to this Court what Reperations they may Judge Needfull to be made with an Estimate of the Charge thereof. In Council Read & Concurr'd And William Pepperell Esq<sup>r</sup> is Joined in the Affair. [*Passed June 6.*]

Legislative  
Records of the  
Council, xvi.,  
12.

Legislative  
Records of the  
Council, xv.,  
482. House  
Journal, p. 16.  
Province  
Laws, xi., 764,  
chap. 142.

## CHAPTER 10.

ORDER OF NOTICE ON NATH<sup>l</sup> BOWMAN'S PETITION TO BE SET OFF TO WATERTOWN.

A PETITION of Nath<sup>l</sup> Bowman of Cambridge Shewing that his House stands near Watertown & Lexington lines and that he has no way to pass to the Meeting house in the North west precinct in Cambridge and the Select men of said Town Refuse to lay him out a Way, that he is near four Miles distant from said Meeting house and must pass thrô the Meadow land that he has been Taxed very high to the Support of the Ministry in said Precinct thô he & his family has been Able to Attend but once there And therefore praying that he may be set off to the Town of Watertown where he has Attended on the Ministry with his Family for above Forty Years past. Read &

*Ordered* That the Pet<sup>r</sup> Serve the Town of Cambridge & the North westerly Precinct in Cambridge with a Copy of the petition that they shew Cause on Thursday the Thirteenth<sup>1</sup> Currant why the prayer thereof should not be Granted. [*Passed June 6.*]

Legislative  
Records of the  
Council, xvi.,  
12.

House Jour-  
nal, pp. 14, 17.

## CHAPTER 11.

## ORDER OF NOTICE ON THE PETITION OF JOHN INGRAM &amp; OTHERS OF HADLEY TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of John Ingram and a Great Number of other Inhabitants of a Tract of land lying in and near the Townships of Hadley Bounding Easterly on the East bounds of said Town northerly On Southerland Southerly on Mount Holyoke & westerly from the East bounds of Hadley about two miles & three Quarters Shewing their distances from the place of Publick Worship in said Town & their Advantageous Situation for their being made a precinct And therefore praying that they may be Constituted a Sperate precinct<sup>2</sup> accordingly. Read &

Legislative  
Records of the  
Council, xvi.,  
13.

House Jour-  
nal, p. 14.

<sup>1</sup> At the hearing on June 14, 1734, the petition was dismissed. — Legislative Records of the Council, xvi., 19.

<sup>2</sup> The House Journal, p. 14, after the word "precinct," reads, "from the first Precinct in said Town to which they at present belong; and that the Lands belonging to the non-resident Proprietors and lying within those bounds may be subjected to a tax of *two pence* per acre for the space of six years, to enable them the better to defrey the Charges of building a Meeting-House, settling the Minister, and supporting the Ministry."

*Ordered* That the Pet<sup>s</sup> Serve the first precinct in Hadley with a Copy of the Petition that they shew Cause if any they have on the first Thursday of the next Sitting of the Court<sup>1</sup> why the prayer thereof should not be Granted. [*Passed June 6.*]

## CHAPTER 12.

### ORDER OF NOTICE ON THE PLIMPTON PETITION FOR FURTHER TIME TO REPLY.

Legislative  
Records of the  
Council, xvi.,  
13.

House Jour-  
nal, p. 19.  
*Ante*, p. 9,  
chap. 3.

A PETITION of Joseph Thomas in behalf of the Town of Plympton praying that they may be Allowed 'till the next Sitting of this Court to give in their answer to the petition of the South Precinct there.

Read &

*Ordered* that the Petition of the South Precinct in Plympton above mentioned be Referr'd to the first Tuesday of the next Sitting of this Court and that the Pet<sup>r</sup> Notify the Agents for the said Precinct of this order.<sup>2</sup> [*Passed June 7.*]

## CHAPTER 13.

### ORDER ALLOWING THE COUNTY TREASURER OF PLYM<sup>o</sup> HIS ACCO<sup>t</sup>.

Legislative  
Records of the  
Council, xvi.,  
14.

House Jour-  
nal, pp. 11, 17.

AN ACCO<sup>mt</sup> presented by Cap<sup>t</sup> John Dyer Treasurer of the County of Plymouth forthe Year 1733 having been laid before the Court of General Sessions of the Peace for said County & by them Allowed.

Read &

*Ordered* That this Acco<sup>mt</sup> be Allow'd and Accepted. [*Passed June 7.*]

## CHAPTER 14.

### ORDER CONFIRMING A REVISED PLAT OF 1,000 ACRES OF LAND FOR CAMBRIDGE SCHOOL.

Legislative  
Records of the  
Council, xvi.,  
14. Maps and  
Plans, Mis.,  
viii., 33.

Maps and  
Plans, Mis.,  
viii., 33.  
House Jour-  
nal, pp. 19, 20.  
Province  
Laws, xi., 771,  
chap. 157.

A PLAT of One Thousand Acres of Land Granted to Cambridge School laid out by Ebenezer Prescott Survey<sup>r</sup> & two Chain men on Oath, bordering on the Town of Townsend, and being bounded as follows, viz<sup>t</sup> begining at a Red Oak mark'd C A M the Northwest Corner, and from thence Runing South west almost Sixteen Deg. Two hundred & fifty perch to a Stake & Stones in Townshend line & then Runing West 31½ Deg. North five hundred & Seventy three perch on Townsend line to a Stake & Stones then turning North, east 17½ Deg. two hundred & forty perch to a Stake & Stones then turning North almost 44 Deg. East one hundred & forty perch to a Black Oak with Cambridge; then turning East 44½ Deg. South to the bounds first mentioned This Farm lyes North of Great Muspetansus Hill having a Brook & Several Runs of Water in it.

Read and

*Ordered* that the plat as Now reformed be and is hereby accepted, and the Lands therein delineated and described be and hereby are

<sup>1</sup> At the hearing on September 13, 1734, House Journal, p. 74, this petition was dismissed.

<sup>2</sup> At the hearing on November 28, 1734, the petition was dismissed.—Legislative Records of the Council, xvi., 69.



Confirmed to & for the use and support of the Gramar School in the town of Cambridge for Ever. provided the plat exceeds not the quantity of One thousand Acres of Land and does not interfere with any former Grant. [*Passed June 7.*]

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## CHAPTER 15.

### ORDER OF NOTICE ON THE PETITION OF DIVERS INHAB<sup>TS</sup> OF CONCORD WESTON & LEXINGTON TO BE ERECTED INTO A TOWNSHIP.

A PETITION of Joseph Brooks & others Inhabitants & Proprietors of the Easterly part of Concord & the Northerly part of Weston & the Westerly part of Lexington Setting forth their Difficultys & Inconveniencies by Reason of their Distance from the Places of Publick Worship in their Respective Towns & praying That their Familys & Estates may be sett off from the said Towns and Erected into a Seperate Township by the bounds in the Partition particularly Described

Read &

*Ordered* that the Pet<sup>rs</sup> Serve the Towns of Concord Weston & Lexington with Copys of this petition that they shew Cause if any they have on the first Thursday of the next Sitting of the Court why the prayer thereof should not be Granted. [*Passed June 7.*]

Legislative  
Records of the  
Council, xvi.,  
14.

House Jour-  
nal, p. 20.

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## CHAPTER 16.

### ORDER IMPOWERING THE ASSESSORS OF DUNSTABLE TO LEVY AND COLLECT A TAX OF THREE HALF PENCE PER ACRE ON LAND.

A PETITION of the Town of Dunstable shewing that by Reason of the Great Tracts of Land in said Township held & kept Unimproved by the Non Resident Proprietors they are put to Difficultys for the Support of the Ministry in said Town And therefore praying That they may be Impowred to Tax such lands at three half pence *p* acre for three years next coming towards building a Meeting house in said Town.

Read &

*Ordered* That the Prayer of the Petition be Granted & the Assessors of the Town of Dunstable are hereby allowed & Impowred to Assess a Tax of three halfpence *p* acre *p* annum for the Space of three Years next coming on all the Lands in the Township of Dunstable belonging to the Non Resident proprietors & the Constables or Collectors of said Town are also impowred & Required to Collect the said Tax & pay the same for and towards defraying the Charge of Building a Meeting house in said Town & the said Lands are hereby Subjected to the payment of the said Tax accordingly. [*Passed June 7.*]

Legislative  
Records of the  
Council, xvi.,  
15.

House Jour-  
nal, p. 19.

## CHAPTER 17.

ORDER APPOINTING A COMMITTEE TO VIEW THE LANDS OF THE  
NORTHERLY & N<sup>W</sup> EASTERLY INH<sup>a</sup> OF BILLERICA.

Legislative  
Records of the  
Council, xvi.,  
14.

House Jour-  
nal, p. 20.

A PETITION of Samuel Hunt & others Inhabitants of the Northerly and Northeasterly part of Billerica shewing That the said Town have Voted to set them off as a Seperate Town by Certain Bounds in their vote Mentioned Provided That the Inhab<sup>ts</sup> of the South easterly Side of Shawshin River Consent thereto and praying an absolute Grant of this Court for their being made a Town by those bounds or that a Com<sup>tee</sup> may be sent to View them & Report their Opinion hereon.

In Council Read &

*Ordered* that Francis Foxcraft Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>a</sup> shall Join be a Com<sup>tee</sup> to Repair to the Lands petitioned to be a Township & view the same & hear the Partys & Report to this Court at their next Sitting what they Judge Proper to be done on this Petition the Charge of the Com<sup>tee</sup> to be born as this Court shall order. In the House of Represent<sup>a</sup> Read & Concurr'd & M<sup>r</sup> Hobson & Col<sup>o</sup> Alden are Joined in the affair. [*Passed June 8.*<sup>1</sup>

## CHAPTER 18.

ORDER APPOINTING A COMMITTEE TO VIEW LANDS AT PLIMPTON  
MIDDLEBORO AND PEMBROKE.

Legislative  
Records of the  
Council, xvi.,  
15.

House Jour-  
nal, p. 21.  
Province  
Laws, xi., 768,  
chap. 153.

ON THE PETITION of Divers Inhabitants of Plimpton Middleboro & Pembroke [Province Laws, xi., 768, chap. 153]

In Council Read together with the Answers of the Town of Plimpton & North Precinct in said Town & other Papers in the Case &

*Ordered* That Seth Williams Esq<sup>r</sup> With Such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Com<sup>tee</sup> to Repair to the Lands petitioned for to make a Township, & North Precinct in Plimpton view the same & hear the Partys & make Report to this Court at their next Sitting what they Judge proper to be done on this Petition The Charge to be born as this Court shall order.

In the House of Represent<sup>a</sup> Read & Concurr'd & Thomas Church & Tho<sup>s</sup> Tilestone Esq<sup>rs</sup> are Joined in the affair. [*Passed June 8.*

## CHAPTER 19.

ORDER APPOINTING A COMMITTEE ON THE BOUNDARIES OF BELLING-  
HAM AND WRENTHAM.

Legislative  
Records of the  
Council, xvi.,  
16.

House Jour-  
nal, p. 16.  
Province

A PETITION of the Town of Bellingham & that part of Bellingham heretofore Dedham Shewing that they have been Notified by the Selectmen of Wrentham to Renew the line between them which the Pet<sup>rs</sup> declined because of the Great Difficulty of finding the Ancient bounds between Dedham & Wrentham & therefore Praying that this Court

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 7.

would Appoint a Com<sup>tee</sup> to Repair to Bellingham and Wrentham & hear what may be offered on both sides & Report their Opinion as to the said Line between them. Laws, xi., 788, chap. 201.

In Council Read &

*Ordered* That Samuel Thaxter & Edw<sup>d</sup> Goddard Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> house of Represent<sup>a</sup> be a Com<sup>tee</sup> to Repair to the Town of Bellingham & hear the partys concerned in this petition and make Enquiry into & get the best Information they can by Records in the Case or otherwise Respecting the West line of the Town so far as it Affects the Town of Bellingham & make Report to this Court at their next Sitting how the said line ought to be Settled. In the House of Represent<sup>a</sup> Read & Concurr'd & M<sup>r</sup> Shove M<sup>r</sup> Thatcher & Cap<sup>t</sup> Sam<sup>l</sup> Williams are Joined in the affair. [*Passed June 8.*]

## CHAPTER 20.

ORDER OF NOTICE ON THE PETITION OF SAM<sup>l</sup> MAYO & OTHERS OF HARWICH TO BE SET OFF TO EASTHAM.

A PETITION of Samuel Mayo & Eight others Inhabitants of the Easterly part of the Town of Harwich Shewing that they were by an Order of this Court Divers Years Ago Set off to the Westerly Precinct in Eastham so far as Relates to the Support of the Ministry that they have little or no benefit of the School at Harwich and are put to Great Difficultys in Attending the Trainings & other Affairs of the Town by Reason of their Distance and therefore praying That they may be wholly Sett off from Harwich & annexed to Eastham Legislative Records of the Council, xvi., 17.  
House Journal, p. 15.  
Province Laws, ix., 678, chap. 73.

Read &

*Ordered* That the Petition<sup>rs</sup> Serve the Town of Harwich with a Copy of the Petition that they shew Cause on the Second Wednesday of the Next Sitting of this Court why the Prayer thereof should not be Granted. [*Passed June 13.*]

## CHAPTER 21.

ORDER APPOINTING EBENEZER BURRILL IN PLACE OF FRANCIS FOX-CROFT ON THE COMMITTEE ON BILLERICA PETITION.

ON THE PETITION of Samuel Hunt & Others of Billerica [*ante*, p. 14, chap. 17] Legislative Records of the Council, xvi., 19.

*Voted* That Ebenezer Burrill Esq<sup>r</sup> be of the Com<sup>tee</sup> on this petition in the Room of Francis Foxcroft Esq<sup>r</sup> who Declines the said Service. [*Passed June 14.*]

House Journal, p. 28.  
*Ante*, p. 14, chap. 17.

## CHAPTER 22.

VOTE IMPOWERING NATH<sup>l</sup> COLLINS TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Nath<sup>l</sup> Collins of Enfield Setting forth his Fathers Service's in the War Against the Indians & praying for a Grant of some of the Province Land lying between the Towns of Springfield Enfield Legislative Records of the Council, xvi., 19.

Legislative  
Records of the  
Council, xiii.,  
353, 418. House  
Journal, pp. 25,  
26. *Post*, p. 127,  
chap. 2.

& Brimfield & the Colony Line which he petitioned for in the Year 1727 and has Since been platted & Surveyed & a valuation made thereof the pet<sup>r</sup> to pay such Sum therefor as the Court shall Order

Read &

*Voted* that there be and hereby is a Grant of Two hundred Acres of the Province Lands mentioned in the petition made to the pet<sup>r</sup> his heirs and Assignes to be laid out on the Colony line on the South and Springfield on the North bounds and Westerly with Enfield Ruñing a Parrellel line with Enfield East line and that the Pet<sup>r</sup> be allowed & Impowred by a Survey<sup>r</sup> and Chain men on Oath to Survey & lay out the said Grant and Return a plat thereof to this Court within twelve Months for confirmation to the Pet<sup>r</sup> his heirs & Assignes and that upon the Confirmation of the Grant the Pet<sup>r</sup> pay the sum of Five pounds<sup>1</sup> in Bills of Credit to the order of this Court. [*Passed \* June 14.*]

## CHAPTER 23.

### ORDER IMPOWERING W<sup>m</sup> ROGERS AS GUARDIAN TO SELL HOUSE AND LAND.

Legislative  
Records of the  
Council, xvi.,  
19.

House Jour-  
nal, pp. 28, 29.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of William Rogers Guardian to Samuel Richard and Sarah Sedan Minors Some of the Children of Samuel Sedan late of Wenham in the County of Essex deced praying that he may be Impowred by this Court to Join with the Rest of the heirs of the said Samuel in Selling a house & about Nineteen Rods of Land Situate in Newbury being part of his Estate the Interest of the said Minors share to be for their use and the Principle to be paid them as they shall come of Age or be Married.

Read &

*Ordered* That the prayer of the petition be Granted & the petitioner is hereby allowed & Impowred in the name & in behalf of the Minors to Join with those of the Deceds Children who are Arrived at Age to make Sale of the Two Thirds of the House and Land within mentioned for the most the same will fetch giving Caution to the Judge of Probate for the County of Essex for the Security of the Minors part of the proceeds of the Sale as within mentioned The Profit or Interest thereof to be Applied & principle paid as aforesaid And in making Sale of the premisses the Pet<sup>r</sup> to proceed Agreeable to the Act of the Province of the Sixth Year of his late Majesty King George Chap. 3<sup>d</sup> Entitled An Act for the Regulation of the Decrees & other proceedings of the Several Judges of Probate in the Several Countys of the Province & of Appeals therefrom And the Pet<sup>r</sup> is also Allowed & Impowred to Join for and &<sup>2</sup> in behalf of the said Minors with the other heirs to make & Execute a Good Deed or Deeds for Conveyance of the House & Land Accordingly. [*Passed June 15.*]

<sup>1</sup> The House Journal reads, £25.

<sup>2</sup> *Sic.*

## CHAPTER 24.

ORDER ALLOWING £50 TO M<sup>R</sup> EDW<sup>D</sup> SHOVE.

*Ordered* That the Sum of Fifty pounds be Granted and paid out of the Publick Treasury to M<sup>r</sup> Edward Shove further to Enable him to Appear for the Province in behalf of Henry Joslyn and others in his Majestys Courts in the County of Bristol & Colony of Rhode Island for the Expence of which said Sum the said M<sup>r</sup> Shove is to be Accountable to the Governour and Council. [*Passed June 15.*]

Legislative  
Records of the  
Council, xvi.,  
20.  
House Jour-  
nal, p. 31.  
Province  
Laws, xi., 757,  
chap. 123.

## CHAPTER 25.

ORDER OF NOTICE IMPOWERING EZEK<sup>L</sup> UPHAM TO PURSUE HIS APPEAL FROM A SENTENCE.

A PETITION of Ezekiel Upham of Hassanimisco in the County of Worcester shewing That he was Convicted by the Sentence of Nahum Ward Esq<sup>r</sup> (one of his Maj<sup>ty</sup>s Justices of the peace for the said County) of Stealing Six Bushells of Corn from One Peter Lawrence an Indian that he Appealed from the Sentence of the said Justice to the Court of General Sessions of the peace for the said County and filed Reasons of Appeal Accordingly but the said Court Quashed them for a Small Defect in form and therefore praying That he may be Allowed to file New Reasons of Appeal and to have a Trial of his appeal at the next Court of General Sessions of the Peace for the said County of Worcester.

Read &

*Ordered* That the prayer of the petition be Granted and the pet<sup>r</sup> is hereby Allowed and Impowred to pursue his appeal from the Sentence of the said Justice at the next Court of General Sessions of the peace to be held at Worcester in and for the County of Worcester on the Second Tuesday of August next, he filing his Reasons of Appeal with the Clerk of the said Court at least Seven days before the Sitting of the said Court, Giving the adverse party a Copy of this order at or before the time appointed for filing the Reasons of appeal and the Justices of the said Court of General Sessions of the peace are also hereby fully Impowred & directed to hear and try the Pet<sup>rs</sup> Action on the said Appeal Enter up Judgment and Award Execution Accordingly to all Intents and purposes as if the former Reasons of Appeal had not been Quash'd. [*Passed June 15.*]

Legislative  
Records of the  
Council, xvi.,  
20.  
House Jour-  
nal, pp. 29, 30.

## CHAPTER 26.

ORDER ALLOWING THE ACCOUNT OF THE BRISTOL C<sup>O</sup> TREASURER.

AN ACCO<sup>T</sup> presented by M<sup>r</sup> Samuel Howland Treasurer of the County of Bristol for the Year 1733 Having been laid before the Court of General Sessions of the Peace for said County and by them Allowed.

Read &

*Ordered* that this Accompt be Allowed. [*Passed June 15.*]

Legislative  
Records of the  
Council, xvi.,  
21.  
House Jour-  
nal, p. 25.



## CHAPTER 27.

## ORDER ACCEPTING THE COMMITTEE'S REPORT OF HOUSE LOTS IN THE TWO TOWNS ON ASHUELET RIVER.

Legislative  
Records of the  
Council, xvi.,  
21.

House Jour-  
nal, pp. 31, 32.  
Province  
Laws, xi., 787,  
chap. 198; 792,  
chap. 210.  
*Infra*, chap. 30.

THE REPORT of the Com<sup>tee</sup> for laying out the house Lotts in the two Towns on Ashuelet River June 1734.

Pursuant to the Order of the Great & General Court we Repaired to Ashuelet where we found in each of the said Towns Respectively That a very large Body of the Land lyes in one entire parcell being Interval Land and other low lands Altogether Unsuitable for House Lotts and from the best View & observation that we Respectively were able to make of the value and quality of the Land there, We Apprehend it Impracticable to lay it out in a Defenceable manner and to lay out between twenty & forty Acres to each house Lot According to the order of the Court and there being (in our humble Opinion) no other way in which the House lotts could be laid out but would Render (at least) many of them far less Accommodable to the Intervals and also very Scattering and Remote

We Concluded that to lay out Small House lotts lying Contiguous & also Convenient for the Interval lands would be more agreeable to the Intentions of this Hon<sup>ble</sup> Court then either for us to Desist & Return without doing anything or to lay out large Lotts which must have been Extreemly Scattering & indefencible and therefore proceeded as follows viz<sup>t</sup> To lay out in the uppermost of the said Ashuelet Townships fifty four Lotts in the most Convenient place for Building on & adjoining to each other each Lott Containing eight Acres and that place not Accomodating more lotts there, we were obliged to lay out the other Nine Lotts about three Quarters of a Mile Distant from the Fifty four Lotts aforesaid We also laid out a Street thro<sup>o</sup> each Division of Land aforesaid four Rods wide.

In the other Township of Ashuelet we Could find but one parcell of Land Sutable for House lotts (in alike Compact and Defenceable manner) which is a Plan consisting of no more than about four hundred Acres and therefore were obliged to lay out the whole number of lots being Sixty three in that place which yet would not afford above Six Acres (exclusive of Ways) to each house without Runing upon Intervals or mountainous lands which would be very Difficult to Equalize and a great part thereof fit for Neither Tillage nor mowing We therefore laid out the whole Sixty three Lotts there and also a Street of Eight Rods wide and whereas each Settler is obliged within the Term aforesaid to till or fit for mowing Eight Acres within five Years We humbly propose that no damage or forfeiture Accrue to any Settler who shall within the Term aforesaid till or fit for mowing his house Lott there and shall also as soon as may be next after another Lott or division of Land shall be laid out till or fit for mowing the Remainder of said Eight Acres on such other Lott or Division which with the whole of this Representation or Report is humbly Submitted to the Wisdom & Candour of this Hon<sup>bl</sup> Court

SAM<sup>l</sup> CHANDLER

JOHN HOBSON

EBENEZER BURRILL

EDW<sup>d</sup> GODDARD

CHARLES CHURCH

Read &

*Ordered* that this Report be Acepted. [*Passed June 17.*]

## CHAPTER 28.

ORDER OF NOTICE ON THE PET<sup>n</sup> OF THE EXECUTORS OF JAMES TISDALE  
TO FILE AN APPEAL.

ON THE PETITION of the Executors of James Tisdale [Province Laws, xi., 773, chap. 162]

Read together with the Answer of Timothy Lyndal Esq<sup>r</sup> &

*Ordered* that the prayer of the petition be Granted And the Pet<sup>rs</sup> are hereby allowed and Impowred to file their Reasons of Appeal from the Judgm<sup>t</sup> of the Inf<sup>e</sup> Court within mentioned with the Clerk of the said Court at least fourteen days before the Sitting of the Superiour Court to be held at Bristol the Second Tuesday of September next for the County of Bristol and that the Pet<sup>rs</sup> Serve the Adverse party with a Copy of this Petition on or before the time of filing the Reasons of Appeal and the Justices of the said Sup Court are hereby impowred & directed to hear & try the said Action on Appeal enter up Judgment & Award Execution Accordingly. [*Passed June 17.*]

Legislative  
Records of the  
Council, xvi.,  
22.

House Jour-  
nal, p. 28.  
Province  
Laws, xi., 773,  
chap. 162.

## CHAPTER 29.

## ORDER ACCEPTING A PLAT OF THE NEW TOWN AT PAQUOIG.

A PLAT of the New Town at Paquoig Shewing the Homelotts laid out there Surveyed by William Chandler Surveyor.

Read &

*Ordered* That this Plat be Accepted & allowed with the Homelotts therein Delineated. [*Passed June 18.*]

Legislative  
Records of the  
Council, xvi.,  
23.

House Jour-  
nal, p. 32.  
Province  
Laws, xi., 792,  
chap. 210.  
*Supra*, chap.  
27. *Infra*,  
chap. 30.

## CHAPTER 30.

## ORDER ACCEPTING A PLAT OF THE UPPER TOWN AT ASHUELET.

A PLAT of the House lotts in the Upper Township on Ashuelet River

Read &

*Ordered* That the House lotts in the Upper Township at Ashuelet as within Delineated and protracted be Accepted. [*Passed June 18.*]

Legislative  
Records of the  
Council, xvi.,  
23.

House Jour-  
nal, p. 32.  
*Ante*, p. 18,  
chap. 27.  
*Supra*, chap.  
29. *Infra*,  
chap. 31.

## CHAPTER 31.

## ORDER ACCEPTING A PLAT OF THE LOWER TOWN AT ASHUELET.

A PLAT of the lower Township on Ashuelet River with the house lotts therein laid out.

Read &

*Ordered* that this Plat with the House lotts therein prot[r]acted & Described be Accepted. [*Passed June 18.*]

Legislative  
Records of the  
Council, xvi.,  
23.

House Jour-  
nal, p. 32.  
*Ante*, p. 18,  
chap. 27.  
*Supra*, chap.  
30.

## CHAPTER 32.

ORDER ALLOWING THE ACCO<sup>T</sup> OF MIDD<sup>S</sup> C<sup>O</sup> TREASURER.

Legislative  
Records of the  
Council, xvi.,  
23.

House Jour-  
nal, p. 23.

AN ACCO<sup>T</sup> presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the Year 1733 having been laid before the Court of General Sessions of the Peace for said County and by them allowed

Read & Accepted &

*Ordered* That this Acco<sup>t</sup> be Allowed. [*Passed June 18.*]

## CHAPTER 33.

## ORDER ESTABLISHING THE PAY OF THE GARRISON AT FREDRICK FORT.

Legislative  
Records of the  
Council, xvi.,  
24.

House Jour-  
nal, p. 50.  
Province  
Laws, xi., 759,  
chap. 128.

A PETITION of Cap<sup>t</sup> James Woodside and the Garrison in his Majestys Service at Fort Fredrick in Pemaquid under his Command who formerly Served at Fort Mary at Winter Harbour Praying that their pay since their Removal to Fort Fredrick may be Equal to that of the officers & Soldiers in the other Garisons at this Province

Read &

*Ordered* that the prayer of the petition be Granted and the pay of the pet<sup>rs</sup> from the time of passing their last Muster Rolls which was about the time of their being Removed from his Majestys late fort Mary at Winter Harbour to Fredrick Fort, be and hereby is Established as follows & the Pet<sup>rs</sup> Accordingly allowed to Charge in the Next Muster Roll the Cap<sup>t</sup> at four pounds *p* Month the Lieut<sup>t</sup> at Fifty three shillings & four pence *p* month & every private Centinel at Forty shillings *p* Month. [*Passed June 18.*]

## CHAPTER 34.

## ORDER IMPOWERING JOSEPH CLESSON TO SURVEY AND LAY OUT 300 ACRES OF LAND.

House Jour-  
nal, p. 33.

*Post*, p. 186,  
chap. 142.

A PETITION of *Joseph Clesson of Deerfield* in the County of *Hampshire*, praying the consideration of the Court for his many distinguishing Services he has performed for the Province against the Indian Enemy, as particularly set forth in the Petition. Read and in answer to this Petition,

*Ordered*, That the Petitioner be allowed and impowred by a Surveyor and Chain-men on Oath to survey and lay out three hundred acres of the unappropriated Lands of the Province in the County of *Hampshire*, so as not to prejudice any former Grant or the Settlement of a new Township; and that he return a Plat thereof to this Court within twelve months for confirmation.<sup>1</sup> [*Passed \* June 18.*<sup>2</sup>]

<sup>1</sup> "A Plat of three hundred Acres of land, to fulfill a Grant made by this Court in the Year 1734." — *Post*, p. 186, chap. 142.

<sup>2</sup> Not found in Legislative Records of the Council.



## CHAPTER 35.

VOTE ALLOWING THE TREASURERS ACCO<sup>T</sup> FOR THE YEAR 1732.

THE ACCOMPT of Jeremiah Allen Esq<sup>r</sup> Treasurer and Receiver General of the Province of the Massachusetts Bay in New England. beginning May 26<sup>th</sup> 1731 and Ending May 31. 1732 Amounting to the Sum of One hundred and forty Seven Thousand Six hundred & Seventy Eight pounds four shillings & Eight pence having been presented and laid before the House of Represent<sup>a</sup> and Inspected by said house By which it Appears that there was Outstanding the 31<sup>st</sup> of May 1732 of the Taxes Eleven Thousand One hundred and Sixty Eight pounds Seven shillings & two pence and of the £50,000 Loan Three hundred and Eighty five pounds Seven shillings and of the £60,000 Loan Fifty Nine Thousand two hundred and fifty Eight pounds ten shillings and of the four p Cent Interest of the said £60,000 Two Thousand Six hundred and Seventeen pounds thirteen Shillings & Sixpence and Fifty Seven Thousand four hundred and Eighty Six pounds Six Shillings & four pence Neet Province Bills Remaining in the said Treasurers hands further to be Accounted for

Legislative  
Records of the  
Council, xvi.,  
25. Mass.  
Archives,  
cxxxiii., 456.

House Jour-  
nal, pp. 34, 35.  
*Infra*, chap. 36.

*Voted* That the said Accompt in the Several Articles of Receipts and payments therein mentioned amounting to the Sum of Sixteen thousand Seven hundred Sixty one pounds Sixteen shillings and eight pence be and hereby are allowed of And the said Treasurer is hereby discharged of the said sum of Sixteen thousand seven hundred and Sixty one pounds Sixteen shillings and eight pence. [*Passed June 19.*]

## CHAPTER 36.

VOTE ALLOWING THE TREASURERS ACCO<sup>T</sup> FOR THE YEAR 1733.

THE ACCOMPT of Jeremiah Allen Esq<sup>r</sup> Treasurer and Receiver General of his Majestys Province of the Massachusetts Bay in New England beginning the 31<sup>st</sup> of May 1732 and Ending the 30<sup>th</sup> of May 1733 Amounting to One Hundred and fifty Six Thousand Nine hundred & thirty five pounds Seven shillings & one penny having been presented & laid before the House of Represent<sup>a</sup> & Inspected by said House by which it Appears there was outstanding the 30<sup>th</sup> of May 1733 Thirteen Thousand Nine hundred Seventy Six pounds & Seven shillings of the Taxes and Three hundred Sixty five pounds thirteen shillings of the £50,000 Loan & Fifty nine Thousand One hundred forty Six pounds & five shillings of the £60,000 Loan & Seventy Seven Thousand three hundred & Sixty Six pounds Nine shillings & five pence Remaining in said Treasurers hands further to be Accounted for.

Legislative  
Records of the  
Council, xvi.,  
25.

House Jour-  
nal, p. 35.  
*Supra*, chap.  
35. *Infra*,  
chap. 37.

*Voted* that the said Accompts in the Several Articles of Receipts and Payments Amounting to Two Thousand Nine hundred & fifty three pounds Seventeen Shillings & Nine pence be and hereby are allowed of And the said Treasurer is hereby Discharged of the said Sum of Two Thousand Nine hundred & fifty three pounds Seventeen shillings & nine pence. [*Passed June 19.*]

## CHAPTER 37.

VOTE ALLOWING THE TREAS<sup>RS</sup> ACC<sup>T</sup> FOR THE YEAR 1734.

Legislative  
Records of the  
Council, xvi.,  
25. Mass.  
Archives,  
cxviii., 481.

House Jour-  
nal, pp. 35, 36.  
Province  
Laws, xi., 762,  
chap. 138,  
*Supra*, chap.  
36.

THE ACCOMPT of Jeremiah Allen Esq<sup>r</sup> Treasurer and Receiver General of his Majestys Province of the Massachusetts Bay in New England begining the 30<sup>th</sup> of May 1733 and Ending May 29. 1734 amounting to One hundred Seventy five Thousand Seven hundred and Sixteen pounds fourteen shillings & ninepence Having been presented and laid before the House of Represent<sup>a</sup> By which it Appears that there was outstanding the 29<sup>th</sup> of May 1734 Nine Thousand One hundred and Ninety Six pounds and Nineteen shillings of the Taxes One hundred and Sixty Nine pounds & Six shillings of the £50,000 Loan Two Thousand Eight hundred & three pounds two shillings & five pence of the four p Cent Interest of the £60,000 and Fifty Eight Thousand Nine hundred and Six pounds & one penny of the £60,000 Loan and Eight Thousand four hundred & Eighty Eight pounds & fivepence Neet Province Bills in the Treasurers hands further to be Accounted for.

*Voted* That y<sup>e</sup> s<sup>d</sup> Accompt in y<sup>e</sup> Several Articles of Receipts & Payments Amounting to Sixty Seven Thousand Two Hundred Twenty Two Pounds Eight Shillings, together w<sup>th</sup> Twenty Eight Thousand Nine Hundred and Thirty Pounds Eighteen Shillings & Ten Pence Province Bills consum'd to Ashes by y<sup>e</sup> Com<sup>tee</sup> appointed by y<sup>e</sup> Gen<sup>l</sup> Court, making in y<sup>e</sup> whole y<sup>e</sup> Sum of Ninety Six Thousand One Hundred Fifty Three Pounds Six Shillings and Ten Pence is hereby allow'd of, & y<sup>e</sup> s<sup>d</sup> Treasurer is hereby discharg'd of s<sup>d</sup> Sum of Ninety Six Thousand One Hundred Fifty Three Pounds Six Shillings and Ten Pence. [*Passed June 19.*]

## CHAPTER 38.

ORDER ACCEPTING THE TREAS<sup>RS</sup> ACCO<sup>T</sup> OF INDIAN TRADE.

Legislative  
Records of the  
Council, xvi.,  
26.

House Jour-  
nal, p. 36.

AN ACCOMPT presented by Jeremiah Allen Esq<sup>r</sup> of the Trade with the Eastern and Western Indians for the last Year

Read &

*Ordered* that this Accompt be Accepted the Ballance whereof (being Twelve Thousand three hundred & two pounds thirteen shillings and Seven pence) M<sup>r</sup> Treasurer Allen is further Accountable for. [*Passed June 19.*]

## CHAPTER 39.

ORDER IMPOWERING ROGER & BENJ<sup>A</sup> CARARY TO BRING AN ACTION, WITH A STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
15, 26.

House Jour-  
nal, pp. 15, 33.  
Province  
Laws, xi., 783,  
chap. 188.

A PETITION of Roger & Benjamin Carary Shewing That upon their Petition to this Court in Febr<sup>y</sup>. last Complaining Against one David Hayward the Court were pleased to order the Pet<sup>rs</sup> to serve John Read Esq<sup>r</sup> Attorney to the said Hayward with a Copy of the said Petition for his Answer but by Reason of the Pet<sup>rs</sup> Remoteness from Boston they lost the Oppertunity of Serving the said Copy in Season And therefore praying that the said Order may be Revived.

Read together with the Answer of John Read Esq<sup>r</sup> And the same being fully Considered

*Ordered* that the prayer of the Petition be Granted and that if the Pet<sup>r</sup> shall put the Bond entred into by the within named David Hayward in Suit Against him their Serving an Original Summons on John Read Esq<sup>r</sup> as Attorney to the said Hayward shall be Deemed a Good Service to all Intents & purposes whatsoever and that the Execution on the Judgment Obtained by the said Hayward be Respited till the Event of the Pet<sup>rs</sup> Action provided they prosecute the same with Effect at the Inf Court of Common pleas [to]<sup>1</sup> be holden at Boston for the County of Suffolk on the first Tuesday of October next. [*Passed June 19.*]

## CHAPTER 40.

### ORDER INCREASING THE GARRISON AT THE TRUCK HOUSE ON SACO RIVER.

A MEMORIAL of Cap<sup>t</sup> Thomas Smith Truck master at the Trading house on Saco River Shewing that the Garrison posted there Consists but of ten men Seven of which are taken off to take Care of and Gaurd the Provisions for the Garrison and the Goods for the Indian Trade which are Transported ten Miles by Land So that there are not men Enough Remaining to Defend the said Trading house in Case of any Sudden assault And therefore praying that pay may be Allowed for twenty men which is the Number allowed for the other Trading houses.

Read and in Answer to this Memorial

*Ordered* That pay and Subsistance be Allowed to five men more at the Garrison at Saco River And his Excellency the Gov<sup>r</sup> & Cap<sup>t</sup> General is Desired to give his Order for the Enlisting five Good Effective Men to be posted there who shall be Entitled to the said Pay & Subsistance upon their Enlistment. [*Passed June 19.*]

Legislative  
Records of the  
Council, xvi.,  
27.

House Jour-  
nal, p. 36.

## CHAPTER 41.

### ORDER ON THE REPORT ON THE PETITION OF JOS: ELLIS & OTHERS OF THE SOUTH PRECINCT IN DEDHAM.

SAMUEL THAXTER ESQ<sup>R</sup> from the Com<sup>tee</sup> of both Houses on the Petition of Joseph Ellis & others of the South Precinct in Dedham [*Province Laws, xi., 765, chap. 144*] gave in the following Report viz<sup>t</sup>

In Answer to this Petition the Com<sup>tee</sup> are of Opinion That the persons within named & Josiah and Amos Fisher two others of the South Precinct in Dedham be entirely free from all Rates & Taxes Raised or that may be Raised by the said South Precinct for and towards the Erecting & finishing a Meeting house for the Publick Worship of God else where then where this Court have Ordered at the Common land; And that the said Pet<sup>rs</sup> and the said Fishers the next June, if the said Order be not Complied with, be deemed as part of the first Precinct in Dedham to do duty and Receive priviledge there

By Order of the Com<sup>tee</sup> SAM<sup>L</sup> THAXTER

Read &

*Ordered* that this Petition be Revived and that the persons within named and Josiah & Amos Fisher two others of the South Precinct of Dedham be intirely free from all Rates & Taxes Raised or that may be Raised by the said South precinct for and towards the Erecting or

Legislative  
Records of the  
Council, xvi.,  
27.

House Jour-  
nal, p. 37.  
Province  
Laws, xi., 765,  
chap. 144.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xvi., 26.

finishing a Meeting house for the Publick Worship of God else where then where this Court have ordered at the Common land and that the said Pet<sup>rs</sup> with the said two Fisher's be hence forward Deemed as part of the first precinct in Dedham to do duty & Receive priviledge there. [*Passed June 19.*]

## CHAPTER 42.

### VOTE FOR SETTLING THE NEW TOWNS AT ASHUELET & PEQUOIG.

Legislative  
Records of the  
Council, xvi.,  
55.

House Jour-  
nal, p. 36.  
Province  
Laws, xi., 758,  
chap. 125.  
*Ante*, p. 19,  
chaps. 29, 30, 31.

WHEREAS the Com<sup>tee</sup> that have laid out the Home lotts in the Township Westward of Ashuelott River & Paquoig have notified all persons that are desirous to take up Lotts Upon the Terms and Conditions that this Court has directed to Meet at Concord on Wednesday the Twenty Sixth Instant And it being Necessary after such Lotts are drawn that the Grantees be assembled & come into proper Methods for the Settlement of their said Lotts &c

*Voted* that after the Sixty persons for each Township shall have Drawn Lotts and given Bonds and paid their five pounds According to the order of this Court July 1732 that they forthwith assemble at Concord and then and there Choose a Moderator a Proprietors Clerk and Agree upon Rules & Methods for the fulfillment of their Respective Grants and for making any further Divisions and for Calling other Meetings for the future and any other Matters or things for the Speedy Settlement of the said Township. [*Passed June 19.*]

## CHAPTER 43.

### ORDER ALLOWING £120 TO ROBT BALL

Legislative  
Records of the  
Council, xvi.,  
28.

House Jour-  
nal, p. 39.  
*Ante*, p. 11,  
chap. 9.

A PETITION of Robert Ball Keeper of the Light house on Beacon Island Setting forth the Dillicultys and hazzards of the said Service Praying that this Court would make him such Allowance for his Service as may be Sufficient for the Support of himself and family.

*Read &*

*Ordered* that the sume of One hundred and twenty pounds be Granted and paid out of the Publick Treasury to the Pet<sup>r</sup> Robert Ball for his Service as Keeper of the Light house for the Year Currant to be Accounted from the Eighth day of November last. [*Passed June 20.*]

## CHAPTER 44.

### ORDER OF NOTICE ON THE PETITION OF JOHN GREEN & OTHERS TO BE ANNEXED TO STONEHAM.

Legislative  
Records of the  
Council, xvi.,  
29.

House Jour-  
nal, p. 42.

A PETITION of John Green Isaac Green John Dexter and Josias Green of Malden and David Green Thomas Green and Samuel Green of Reading Setting forth their Dillicultys to Attend the Publick Worship of God in their Towns by Reason of their Remoteness from the Meeting house there And therefore praying That they & their familys and Estates may by order of this Court be Annexed to the Town of Stoneham.

*Read and*

*Ordered* that the Pet<sup>rs</sup> Serve the Towns of Reading and Malden with Copys of this petition that they shew Cause (if any they have) on the first Friday of the next Sitting of this Court why the prayer of the petition should not be Granted and the petition is Referr'd in the mean time Accordingly. [*Passed June 21.*]

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## CHAPTER 45.

### ORDER OF NOTICE ON THE PETITION OF SILVA<sup>s</sup> SNOW & OTHERS FOR RELIEF FROM SUPPORT OF THE MINISTRY.

A PETITION of Selvanus Snow & five others of Eastham Shewing That when Billingsgate was set off as a Distinct precinct there were four familys with their Estates Ordered to Remain to the Old Parish in Eastham from some of which Familys the Pet<sup>rs</sup> are desended And therefore praying that they may be Released from paying any thing for the Support of the Publick Worship of God in the said Precinct of Billingsgate

Legislative  
Records of the  
Council, xvi.,  
29.

House Jour-  
nal, p. 41.  
Province  
Laws, x., 288,  
chap. 5.

Read &

*Ordered* That the pet<sup>rs</sup> serve the precinct of Billingsgate with a Copy of this petition that they shew Cause if any they have on the first Thursday of the next Sitting of this Court<sup>1</sup> why the Prayer thereof should not be Granted. [*Passed June 21.*]

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## CHAPTER 46.

### ORDER INCREASING THE GARRISON AT FORT FREDERICK.

A PETITION of Cap<sup>t</sup> James Woodside Commander of his Majestys Fort Fredrick at Pemaquid Shewing that the Garrison under his Command there are so few in Number as are not Sufficient for the Services they are Appointed for And therefore praying that provision may be made of pay and Subsistance for an Additional Number of Soldiers to be Posted there.

Legislative  
Records of the  
Council, xvi.,  
30.

House Jour-  
nal, p. 42.  
*Ante*, p. 20,  
chap. 33.

Read and in answer to this Memorial

*Ordered* that pay and Subsistance be Allowed to five men more at the Garrison at Fredrick Fort at Pemaquid and his Excellency the Governour & Cap<sup>t</sup> General is Desired to give his Orders for the Enlisting five Good Effective men to be posted there who shall be Entitled to the said Pay and Subsistance upon their Enlistment. [*Passed June 21.*]

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## CHAPTER 47.

### ORDER APPOINTING A COMMITTEE ON THE CLAIMS OF JOS. EPHRAIM, AN INDIAN.

A PETITION of Joseph Ephraim of Natick Indian Shewing That his Father was an Inhabitant or Proprietor of Hassanimisco and ought to have a proprietors Share of the Lands there and the money produced

Legislative  
Records of the  
Council, xvi.,  
30.

<sup>1</sup> At the hearing September 13 this petition was dismissed. — Legislative Records of the Council, xvi., 52.



House Journal, p. 41.  
Province  
Laws, xi., 233,  
chap. 36.

by the Sale of them and therefore praying that this Court would Assign the Pet<sup>r</sup> and his heirs a share of the money for which the Lands were sold

Read and

*Ordered* That Mr William Lyon Cap<sup>t</sup> Daniel Lovet & Joseph Mason of Watertown Esq<sup>r</sup> be a Com<sup>tee</sup> to make the best Enquiry they can into the Subject Matter of this petition and make Report of their Opinion at the next Sitting of the Court what may be proper to be done thereon. [*Passed June 21.*]

## CHAPTER 48.

ORDER OF NOTICE ON THE PETITION OF AARON ELLIS TO BE RETURNED TO THE FIRST PRECINCT OF DEDHAM.

Legislative  
Records of the  
Council, xvi.,  
31.

House Journal, p. 59.  
Province  
Laws, xi., 721,  
chap. 24.

A PETITION of Aaron Ellis & ten others Inhabitants of the South Precinct in Dedham praying that for as much as this Court have taken of Divers of the Ablest persons of the said Precinct and Returned them back to the first Precinct in said Town And as the pet<sup>rs</sup> Apprehend the Remainder are not Able to Support the Worship of God Among them, Praying that they likewise may be set back to the said first precinct

Read &

*Ordered* that the Pet<sup>rs</sup> Serve the South precinct in dedham with a Copy of this petition that so they may shew Cause if any they have on Friday next, if this Court be then Sitting, if not on the first Friday of the next Sitting of this Court, why the prayer thereof should not be Granted.<sup>1</sup> [*Passed June 21.*]

## CHAPTER 49.

ORDER OF NOTICE ON PROVINCE TOWN MEMORIAL IN REGARD TO CATTLE ON THE PROVINCE LANDS.

Legislative  
Records of the  
Council, xvi.,  
31.

House Journal, pp. 27, 43,  
44.

A MEMORIAL of Jeremiah Cushing Agent for the Inhabitants of Province Town shewing that of late Years the Inhabitants of the Neighbouring Towns Especially of Truro have turned large herd of Cattle to feed upon the Province land in said Town from Spring to Fall which will be of ill Consequence to the said Town and likewise may prove destructive to the Harbour And therefore praying for the Interposition of this Court

Read &

*Ordered* That the Pet<sup>r</sup> Serve the Town of Truro with a Copy of this petition that they shew Cause on the first Friday of the next Sitting of this Court why the prayer of the petition should not be Granted and the petition is Referr'd in the Mean time. [*Passed June 21.*]

<sup>1</sup> On June 28<sup>th</sup> 1734 a Committee on the affair was appointed; viz. Col. Tilestone, Samuel Wells Esq., Mr. Bisby and Mr. Shove, from the House; and Samuel Thaxter, Wm. Dudley and Thomas Cushing Esq<sup>rs</sup> from the Council. — House Journal, p. 59.

## CHAPTER 50.

ORDER OF NOTICE ON AND<sup>R</sup> FANEUIL PETITION TO RE-ENTER AN ACTION.

A PETITION of Andrew Faneuil of Boston Attorney to John Wood & Ann Glyn Adm<sup>rs</sup> to the Estate of Samuel Fitch of London deced, shewing That in that Quality he has Commenced Several Actions against John Liddel at the Inf<sup>r</sup> Court of Co<sup>m</sup>on pleas for the County of Suffolk, where he was Nonsuited, for not producing the said Wood & Glens Letters of adm<sup>n</sup> and was denied an Appeal praying that this Court would Reverse the said Judgments and that he may be Allowed to Reenter the said Actions and have a Trial thereof on the Merits

Legislative  
Records of the  
Council, xvi.,  
32.

House Jour-  
nal, pp. 24, 46.

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adverse party with a Copy of the petition, that he may Shew Cause, if any he have, on Thursday the twenty Seventh Instant, why the prayer thereof should not be Granted.<sup>1</sup>  
[*Passed June 22.*

## CHAPTER 51.

## ORDER GRANTING TO THE TOWNS OF CAMBRIDGE NEWTON AND LEXINGTON 1,000 ACRES OF LAND EACH, FOR MAINTAINING THE GREAT BRIDGE.

A PETITION of the Towns of Cambridge Newton and Lexington Shewing the Great Burthen lying upon them in being Obligated by Law to keep in Repair the Great Bridge over Charles River and praying that they may be in some Measure eased of it or that this Court would make them a Grant of land the better to Enable them to Support said Charge

Legislative  
Records of the  
Council, xvi.,  
32.

House Jour-  
nal, pp. 44, 45.  
Province  
Laws, xi., 749,  
chap. 101.

Read & in Answer to this petition

*Voted* That three Thousand Acres of the Unappropriated Lands of the Province be & hereby are Granted to the Towns of Cambridge Newton & Lexington to Enable them forever hereafter at their own Cost and Charge to keep Amend & Repair the Great Bridge Over Charles River in Cambridge; The Land to be laid out in three Several parts in Equal proportion to each of the said Towns, and near adjoyning to some Towns or Townships already Granted by this Court; And that the Pet<sup>r</sup> be Allowed by a Surveyor or Chain men on Oath to Survey the said Lands and Return plats thereof accordingly to this Court within twelve Months for Confirmation Provided That if the aforesaid Bridge at any time hereafter shall not be well and Sufficiently kept in Good and Substantial Repair for the Easy and Safe passage as now used and presented for such Deficiency and upon Trial Judged Any ways deficient, That then the Land hereby Granted with all the Improvements thereon shall Revert to the Province to be disposed of as the Government shall think fit. [Passed June 22.

<sup>1</sup> On reference, June 29, the above petition was dismissed. — Legislative Records of the Council, xvi., 42.

## CHAPTER 52.

## ORDER IMPOWERING THE TOWN OF REHOBOTH TO SELL THE COMMON LAND, FOR THE SUPPORT OF THE SCHOOL.

Legislative  
Records of the  
Council, xvi.,  
33.

House Jour-  
nal, p. 45.

A PETITION of the Town of Rehoboth Shewing that they have divers Small parcell's of Land in the said Town Appropriated to the use of the School which Rent very low and might be sold to advantage, Praying Liberty from this Court to sell the Said Lands the produce thereof to be for the benefit of the said School

Read &

*Ordered* That the prayer of the petition be Granted and the Pet<sup>rs</sup> are Accordingly hereby Allowed & Impowred to make Sale of the whole of the Right of Commons belonging to the School in Rehoboth for the most the same will fetch Provided they purchase other Real Estate in one Intire Tract with the proceeds of the said Sale to be appropriated for the use of the School in Rehoboth and for no other use whatsoever. [*Passed June 22.*]

## CHAPTER 53.

VOTE GRANTING LAND TO NORTH YARM<sup>o</sup>.

Legislative  
Records of the  
Council, xvi.,  
33.

House Jour-  
nal, p. 46.  
Province  
Laws, xi., 797,  
chap. 224.

A PETITION of the Proprietors of North Yarmouth Praying for an Additional Grant of Land in Consideration of the Great difficultys they have Struggled with in Settling the said Town and that their Lotts have much fallen short of their measure by the claims<sup>1</sup> of divers persons Unknown to the Pet<sup>rs</sup> at their first Settlement.

Read & for as much as the Proprietors & Settlers of North Yarmouth have for a long time Laboured under Great Discouragements by Reason of the late War and also have already Met with great Disappointments, and probably may Still meet with more by Reason of Ancient and Unknown tho' just Claims for considerable Tracts of land, within said Town whereby the Settlers Lotts become so much less, and they thereby discouraged from Chearfully prosecuting the Resettlement of the said Town as otherwise they would have done Therefore for the Encouragement of that Infant Plantation

*Voted* that there be and hereby is Granted to the Pet<sup>rs</sup> their heirs and Assignes forever the Land Included in the following bounds viz<sup>t</sup> begining at the North West Corner of said Town and from thence to Extend a North East Course till the North easterly bounds extending North West intersect the same making the bounds of said Town square. [*Passed June 22.*]

## CHAPTER 54.

## ORDER OF NOTICE ON ROBT CARVERS PETITION FOR A NEW TRIAL WITH A STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
34.

House Jour-  
nal, p. 47.

A PETITION of Robert Carver of Kingston in the County of Plymouth Mariner Shewing That at the Inf Court of Common pleas held at Plymouth for said County in October last One Joshua Finney of Plymouth aforesaid whale fisherman Recovered two Judgments against him for wages and for not Rendring an Accompt of his voyage from which

<sup>1</sup> This word reads "chains" in the Secretary's copy, but "claims" in the State Library copy, Legislative Records of the Council, xvi., 32.



Judgments the Pet<sup>r</sup> Appealed to the Superiour Court of Judicature held at Plymouth in April last and Filed his Reasons of Appeal but being Detained abroad by Sickness & his powers to his Attorney not being Sufficient the said Finney obtained a Confirmation of the former Judgments with Additional Costs praying to be Admitted to a New Trial of the said Actions and that the Executions may be Suspended in the mean time

Read and

*Ordered* that this petition be Referr'd to the first Tuesday<sup>1</sup> of the next Sitting of the Court and that in the mean time the Petitioner Serve the Adverse party or his Attorney M<sup>r</sup> James Otis with a Copy of this petition, that he or Either of them then shew Cause, if any they have, why the prayer of the petition should not be Granted and that the Executions on the Judgments within mentioned be staid in the Meantime. [*Passed June 24.*]

## CHAPTER 55.

### VOTE AUTHORIZING THE PURCHASE OF GUN POWD<sup>r</sup>.

*Voted* that Samuel Welles Esq<sup>r</sup> and M<sup>r</sup> John Wheelwright are hereby desired and Impowred to purchase at the best Rate they can a quantity of Good Gunpowder not Exceeding One hundred and Fifty Barrells for the use of the Province. [*Passed June 25.*]

Legislative  
Records of the  
Council, xvi.,  
34 *bis*.

House Jour-  
nal, p. 47.

## CHAPTER 56.

### VOTE ABOUT THE SETTLERS IN SHEFFIELD TOWNSHIP.

A PLAT of the lower Township at Housatunnock Called Sheffield was laid before the Court for Confirmation of the Lands therein Delineated and Described to the Housatunnuck Grantees, their heirs and Assignes And it being Suggested that Divers persons Admitted as Settlers had not performed the Conditions of the Grant nor were on the Spot.

*Voted* That the Committee for bringing forward the Settlement of the said Township be and hereby are directed and Required to lay before the Court a List of the persons who are Admitted as Settlers with an Acco<sup>t</sup> of those who have performed and also those who have not performed the Conditions of the Grant and that the Com<sup>tes</sup> power for Confirmation of the Settlers Propertys in the said Township of Sheffield (Agreeable to the vote of June 22<sup>d</sup> 1733) be further Continued for twelve Months next. [*Passed June 25.*]

Legislative  
Records of the  
Council, xvi.,  
35.

House Jour-  
nal, p. 50.  
Province  
Laws, xi., 728,  
chap. 41.

## CHAPTER 57.

### ORDER IMPOWERING DOMINICUS JORDAN TO SURVEY AND LAY OUT 300 ACRES OF LAND.

A PETITION of Dominicus Jordan of Falmouth Setting forth his Services in the late War with the Indians and his Losses and Sufferings thereby and praying the Court to make him a Grant of some of the Unappropriated Land of the province in Consideration thereof

Legislative  
Records of the  
Council, xvi.,  
35.

House Jour-  
nal, p. 49.

<sup>1</sup> At the hearing on the reference September 13 the petition was dismissed. — Legislative Records of the Council, xvi., 53.

Read &

*Ordered* that three hundred Acres of the Province land be and hereby is Granted to the pet<sup>r</sup> his heirs and assigns in answer to this petition and that he be Allowed and impowred by a Surveyor & Chaimmen on Oath to Survey and lay out the said three hundred Acres of the Un-appropriated Land of the Province lying & being in the County of York and Return a Plat thereof to this Court within twelve months for Confirmation to the Pet<sup>r</sup> his heirs and assigns for ever. [*Passed June 25.*]

## CHAPTER 58.

### ORDER IMPOWERING SHERIFF WINSLOW TO EXECUTE A DEED OR DEEDS.

Legislative  
Records of the  
Council, xvi.,  
16, 36.

House Jour-  
nal, p. 53.

A PETITION of Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk Shewing That by Virtue of an Execution bearing date April 17<sup>th</sup> 1727 he did with twelve men make partition of a Tract of Land near Oxford wherein John Winthrop Esq<sup>r</sup> of New London in the Colony of Connecticut was Concerned and for want of Goods or Chattels of the said John Winthrop to be found in his Precinct he levied the Costs of the said Partition Amounting to Forty pounds on Thirty Acres of Land belonging to the said Winthrop but finds a Difficulty to Sell the same the Pet<sup>rs</sup> Right being Disputed And therefore praying That the Law in that Case made & provided may be so Explained by this Court as to make his Title Clear and Satisfy the Purchaser or that he may be otherwise Relieved in the premes.

Read & Accepted and

*Ordered* that the Pet<sup>r</sup> be and hereby is Impowred to make and Execute a Good and Sufficient Deed or deeds for Conveying the Thirty Acres of Land within mentioned which Shall be Deem'd Valid and Effectual in the Law to all Intents and purposes whatsoever provided the said John Winthrop Esq<sup>r</sup> and Ann his wife be allowed twelve Months Liberty of Redemption from this time. [*Passed June 26.*]

## CHAPTER 59.

### ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO NATH<sup>l</sup> ALEXANDER.

Legislative  
Records of the  
Council, xvi.,  
36. Maps  
and Plans,  
Mis., vii., 30.

Maps and  
Plans, Mis.,  
vii., 30. House  
Journal, p. 51.  
Province  
Laws, xi., 700,  
chap. 122.

A PLAT of three hundred Acres of land laid out by Timothy Dwight Esq<sup>r</sup> Survey<sup>r</sup> & Chain men on oath to fulfill a Grant made by this Court at their Session in April last<sup>1</sup> to Nath<sup>l</sup> Alexander begining at a Great Rock with a heap of Stones on it Standing on the West Side of a Great hill facing Mount Elisabeth between a large Tract of land lately Granted to Col<sup>o</sup> Joshua Lamb & others and Swift River in the County of Hampshire and from the said Rock it Runs as particularly described in the Plat

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated & described are hereby confirmed unto the said Nathaniel Alexander his Heirs & Assigns for Ever, provided it exceeds not the quantity of three hundred acres and does not interfere with any former Grant. [*Passed June 26.*]

<sup>1</sup> The House Journal, June 25, 1731, p. 51, reads, April 10, 1733.

## CHAPTER 60.

VOTE IMPOWERING MRS. CHRISTIAN BAKER TO SURVEY LAY OUT AND  
SELL 500 ACRES OF LAND.

A PETITION of Christian Baker Shewing that she was formerly Carried Captive to Canada by the Indian Enemy and there Remained Twenty five Years and Suffer'd many hardships that she took a Journey to Canada with her husband Thomas Baker with Great Difficultys and Expence for Redeeming her Children and was then Instrumental In bringing back Divers Captives And for as much as the pet<sup>r</sup> with her husband are Reduced to low Circumstances praying the Compassionate Consideration of this Court and that they would make some Grant to be for her and her Childrens Support

Read and for as much as the Court are Sensible of the particular Circumstances of the petitioner and that she has been Instrumental in Regaining Divers persons who were formerly Carried Captive to Canada.

*Voted* that there be and hereby is Granted to the Hon<sup>ble</sup> William Pepperill Esq<sup>r</sup> in Trust for the Pet<sup>r</sup> Christian Baker Five hundred Acres of the Unappropriated Lands belonging to the Province to be laid out in the County of York by a Survey<sup>r</sup> and Chainmen on Oath And that a Plat thereof be Returned to this Court for Confirmation within twelve months And the said William Pepperill Esq<sup>r</sup> is Authorized and Impowred to make Sale of the said Five hundred Acres of Land and the proceeds thereof to Deal out or apply for the Relief of the pet<sup>r</sup> as he from time to time shall Judge best for her. [*Passed June 26.*]

Legislative  
Records of the  
Council, xvi.,  
36.

House Jour-  
nal, pp. 40, 51.  
Province  
Laws, x., 152,  
chap. 142.

## CHAPTER 61.

## ORDER ACCEPTING THE REPORT ABOUT PENSIONS TO THE INDIANS.

THE COMMITTEE Appointed to take into Consideration his Excellencys message of the 17<sup>th</sup> of June Currant Respecting the Chiefs of the Several Tribes of Indians being made Pensioners and to Report what may be proper for this Court to do in Answer thereto Report as follows.

That the sum of Five hundred and twenty four pounds *p* annum be Allowed & paid out of the Publick Treasury unto Thirty two Indians in the Eastern and Western parts Suitable to the business hereafter proposed viz<sup>t</sup>

To Ten Indians of the Penobscot Tribe viz<sup>t</sup> to three of them Fifteen pounds each to three of them ten pounds and to four of them Six pounds each *p* annum

To the Indian Tribes on this Side of Penobscot to two of them Fifteen pounds each to two of them ten pounds each and to three of them Six pounds each *p* annum

To the S<sup>t</sup> Johns Tribe to One Fifteen pounds to two of them ten pounds and two Six pounds *p* annum each.

To four of the Cagnawago Tribe fifteen pounds each *p* annum To the Seatacook to one of them ten pounds *p* ann to two others Six pounds *p* annum each To the Housatonoek or River Indians to One of them twelve pounds and to two of them Eight pounds each *p* annum In all Thirty two Indians as above and at the sum aforesaid

And that a message be Dispatched to the Cagnawaga Tribe as soon as may be to Inform them that this Court have not Received an Answer to a Message delivered

Legislative  
Records of the  
Council, xvi.,  
37.

Legislative  
Records of the  
Council, xvi.,  
23 *bis.* Prov-  
ince Laws,  
xi., 686, chap.  
87.

them more than a Year Since and that they be Excited to send down some of their Chiefs for that purpose and to Receive a further Offer to be made them And that upon their Arrival the above Report so far as Relates to some of their Tribes being Pensioners of this Government be Communicated to them And four Suitable and well Disposed persons of that Tribe be Commissionated by the Cap<sup>t</sup> General and Entitled to the Pensions aforesaid; And that some Suitable persons be Employed by this Government to find out proper persons of the Indian Tribes Eastward and Westward and to inform them of the Design of this Government as above, and to Assure them of the afores<sup>d</sup> Pensions upon their being Ready at all times to Give this Government Advice and Intelligence of any Motions or Designs Against us and behaving themselves Friendly to us and peaceably to all his Majestys Subjects and Report the names of Such Indians as they Judge Disposed and qualified for this Service and their Several Charectors The Pensions to be delivered them or to their Successors one half in the Spring and the other half in the Fall Annually for the Space of Seven Years next Ensuing they Continuing firm in their Friendship to all his Majestys Subjects and Giving this Government Intelligence of any Motions Against us All which is humbly Submitted In the name and by order of the Committee

THO<sup>s</sup> FITCH

Read &

*Ordered* That this Report be Accepted.<sup>1</sup> [*Passed June 26.*]

## CHAPTER 62.

ORDER IMPOWERING MADAM ABAGAIL TAILOR EXECUTRIX TO SELL LAND AND EXECUTE A DEED OF CONVEYANCE.

Legislative  
Records of the  
Council, xvi.,  
38.

House Jour-  
nal, p. 52.

A PETITION of M<sup>r</sup> Jonathan Bowman of Dorchester Clerk Shewing That he bought and purchased of the late Hon<sup>ble</sup> William Taylor Esq<sup>r</sup> deced for a valuable Consideration half an Acre and twelve Rods of land Situate in Dorchester afores<sup>d</sup> and Erected his Barn thereon but the said Col<sup>o</sup> Taylor dying Suddenly never gave the Pet<sup>r</sup> a Deed of the said Land And therefore praying that Mad<sup>m</sup> Abigail Tailor the Widow of the Deced may be Impowred to Execute such Deed.

Read &

*Ordered* that the prayer of the petition be Granted and the within mentioned Mad<sup>m</sup> Abigail Tailor Executrix of the Testament of the late Hon<sup>ble</sup> William Taylor Esq<sup>r</sup> Deced be hereby fully Authorized and Impowred to make and Execute a Good Deed of Conveyance of the said half Acre and twelve Rods of land to the Pet<sup>r</sup> his heirs and assigns for the Consideration purchase Agreed on by the said William Tailor Esq<sup>r</sup> and the pet<sup>r</sup> which is to be for the use of the heirs of the deced. [*Passed June 26.*]

<sup>1</sup> Not found in the House Journal.



## CHAPTER 63.

ORDER CONFIRMING A PLAT OF 100 ACRES OF LAND FOR THE HEIRS  
OF ROBT BARDWELL DECD.

A P[L]ATT of One hundred Acres of land laid out by Timothy Dwight Esq<sup>r</sup> and two Chainmen on Oath to Satisfy a Grant made by this Court in October last to the heirs of Robert Bardwell late of Hatfield deed being Situate on the East side of Connecticutt River between Sunderland & Northfield Against Nimes's field on the West side begining at a Chesnut tree standing about four Rods from the River marked with an Ax with Stones about it from thence Runing East 5. Deg. North Seventy perch to a pine tree Mark'd with an Ax and with Stones about it and then from the said Chesnut tree West 5 Deg South to the River from thence Runing Northerly up along by the River to a White Oak tree from thence East 5 Deg. North Seventy Six perch to a Stake and heap of Stones and from thence to the pine tree above mentioned

Read and

*Ordered* that the plat be Accepted and

*Ordered* that the Lands within delineated and described be & hereby are Confirmed unto the Heirs or lawfull Representatives of the said Robert Bardwell Within mentioned deceased their heirs or Assigns for Ever, provided the plat exceeds not the quantity of One hundred Acres of Land and does not interfere with any former Grant. [*Passed June 27.*]

Legislative  
Records of the  
Council, xvi.,  
40. Maps and  
Plans, Mis.,  
viii., 23.

Maps and  
Plans, Mis.,  
viii., 23.  
House Jour-  
nal, p. 57.  
Province  
Laws, xi., 760,  
chap. 131.

## CHAPTER 64.

ORDER GRANTING CHRISTO JACOB LAUGHTONS PETITION FOR TIME  
FOR PRESENTING A PLAT OF LAND.

A PETITION of Christopher Jacob Laughton Praying that this Court would allow him Six Months longer time for Returning a Plat of land Granted to the Proprietors of Suffield for a Township as also a Plat of three hundred Acres of Land Granted to the Petitioner the Pet<sup>r</sup> and proprietors having met with Unavoidable Disappointments as to the Surveying of said Land

Read &

*Ordered* That the prayer of the petition be Granted and the Pet<sup>r</sup> is Accordingly Allowed Six months longer to Take & Return the Plats of the said two Grants Accordingly. [*Passed June 28.*]

Legislative  
Records of the  
Council, xvi.,  
41.

House Jour-  
nal, p. 58.  
Province  
Laws, xi., 752,  
chap. 110.

## CHAPTER 65.

ORDER IMPOWERING MARY ADAMS ADMINISTRATRIX TO EXECUTE A  
DEED OF CONVEYANCE.

A PETITION of Henry Adams Mary Adams & Daniel Kendell Shewing That Samuel French late Husband of the Pet<sup>r</sup> Mary made and Executed a Deed of Certain Lands particularly Described in the Petition to the peti<sup>r</sup> Daniel Kendell who paid the Consideration for the purchase to the said French in his life time which Deed was Accidentally Defaced & part of it Destroyed (the Remainder of it being

Legislative  
Records of the  
Council, xvi.,  
41.

House Jour-  
nal, pp. 57, 58.

herewith Exhibited) and therefore praying that the said Mary as Admin<sup>x</sup> to the said Samuel French may be Impowred to make a New Deed to the said Kendall.

Read and forasmuch as it Appears that the said Samuel French in his lifetime did Really Receive of the said Daniel Kendell the full Consideration purchase of the said lands and premisses in the Defaced Deed within mentioned and that the said Deed was by him freely and Lawfully Sealed & Acknowledged but by Cassualty the Same is since tore in peices & so Destroyed and that Right & Justice may be done.

*Ordered* that the prayer of the petition be Granted and the pet<sup>r</sup> Mary Adams (late French) Adm<sup>r</sup> of the Estate of her late husband Samuel French dec<sup>d</sup> is hereby fully Authorized and Impowred to make and Execute in due form of Law to the said Daniel Kendell his heirs and assigns a Good Deed of Conveyance of the Lands and premisses Sold and Conveyed to him by the said Samuel French as aforesaid which Shall be Deemed Good and Effectual to all Intents and purposes. [*Passed June 28.*]

## CHAPTER 66.

### ORDER APPOINTING A COMMITTEE FOR A BARGE FOR THE CASTLE.

Legislative  
Records of the  
Council, xvi.,  
41.

House Jour-  
nal, pp. 47, 58,  
59.

In the House of Represent<sup>a</sup>

*Ordered* That Samuel Welles Esq<sup>r</sup> and Col<sup>o</sup> Thomas Tilestone be a Com<sup>tee</sup> to Agree with a Good Boatbuilder to Build & Compleatly finish a Suitable Barge for the use of his Majestys Castle in the best manner they can In Council Read & Concurr'd and that John Osborne Esq<sup>r</sup> be Joined in the affair In the House of Represent<sup>a</sup> Read & Concurr'd. [*Passed June 28.*]

## CHAPTER 67.

### ORDER ALLOWING £15 TO JA<sup>s</sup> WOODSIDE.

Legislative  
Records of the  
Council, xvi.,  
42.

House Jour-  
nal, p. 58.  
Province  
Laws, xi., 759,  
chap. 128.

A MEMORIAL of Cap<sup>t</sup> James Woodside and the other officers & Soldiers at Fort Fredrick at Pemaquid Shewing the Difficulty and Charge of Wooding said Fort and Praying that aproper Allowance may be made for Wooding said fort for this present Year

Read &

*Ordered* that the sum of Fifteen pounds be Granted and paid out of the Publick Treasury to the said James Woodside to Enable him to Wood the Garrison at his Majestys Fort Fredrick at Pemaquid for the Year Currant to be Accounted from the time of the Garrisons first Removal there. [*Passed June 28.*]

## CHAPTER 68.

## VOTE FOR A TOWN MEETING AT HALLIFAX.

*Voted* That Mr Ignatius Cushing one of the Principal Inhabitants of the Town newly Erected within the County of Plymouth be and hereby is fully Authorized and Impowred to assemble the Free holders & others Qualified Voters there to make Choice of Town officers to stand until the Anniversary Meeting in March next. [*Passed June 29.*]

Legislative  
Records of the  
Council, xvi.,  
42.  
House Jour-  
nal, p. 59.

## CHAPTER 69.

## VOTE FOR A TOWN MEETING AT SOMERS.

*Voted* That Joseph Seaton one of the principal Inhabitants of the New Town lately made out of the Town of Enfield in the County of Hampshire be and hereby is fully Authorized and Impowred to Assemble the Freeholders and other qualified Voters there to make Choice of Town officers to Stand untill the Anniversary Meeting in March next. [*Passed June 29.*]

Legislative  
Records of the  
Council, xvi.,  
42.  
House Jour-  
nal, p. 60.

## CHAPTER 70.

## ORDER APPOINTING A COMMITTEE TO PERAMBULATE AND RENEW THE DUNSTABLE BOUNDARIES.

A PETITION of a Com<sup>tee</sup> for the Town and proprietors of Dunstable praying That this Court would Appoint Some Suitable persons to Run the lines of the said Town including the Town of Nottingham where they Join to the Province Land and Renew the marks and make new Ones where the old Marks are lost that so the bounds may be Clearly known.

Legislative  
Records of the  
Council, xvi.,  
43.  
House Jour-  
nal, p. 59.

In the House of Represent<sup>a</sup> Read &

*Ordered* That John Wainwright Will<sup>m</sup> White and Charles Church Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> Board shall Join be a Com<sup>tee</sup> (any three of whom to be a Quorum) in the name and behalf of this Province to Join with such Com<sup>tee</sup> as shall be Appointed and fully Authorized by the Town and proprietors of Old Dunstable inclusive of Nottingham to perambulate and Renew the line within mentioned and make Report to this Court of their doings thereon as soon as may be

In Council Read & Concurr'd and Samuel Thaxter and William Dudley Esq<sup>rs</sup> are Joined in the affair. [*Passed June 29.*]

## CHAPTER 71.

## ORDER IMPOWERING CAPT CYPRIAN SOUTHACK TO SURVEY AND LAY OUT 500 ACRES OF LAND.

A PETITION of Cap<sup>t</sup> Cyprian Southack Setting forth his great Services for the Province in Divers Wars with the French and Indians for the Space of above Thirty Years; And for as much as he is now grown to

Legislative  
Records of the  
Council, xvi.,  
44.

House Journal, p. 63.

an advanced Age and his Circumstances not so Easy as they have been, Th'refore praying the bounty of this Court in a Grant of some of the Province Land.

Read and

*Ordered* That five hundred Acres of the Unappropriated Lands of the province be and hereby are Granted to the Pet<sup>r</sup> and that he be Accordingly Allowed and Impowred by a Survey<sup>r</sup> and Chain men on Oath to Survey and lay out the said Five hundred Acres of Land Adjoyning to some Town, heretofore Granted, and Return a plat thereof to this Court within twelve Months for confirmation, to the Pet<sup>r</sup> his Heirs and Assignes forever. [*Passed July 2.*]

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## CHAPTER 72.

### ORDER FOR A TOWN MEETING AT LITCHFIELD.

Legislative Records of the Council, xvi., 45.

House Journal, p. 66.

*Ordered* that M<sup>r</sup> Aquila Underwood one of the principal Inhabitants of the New Township at Naticook and Lands Adjacent be and hereby is fully Authorized and Impowred to Assemble the Freeholders and other Inhabitants of said Township lawfully Qualified to Chuse Town officers to stand untill the Anniversary Meeting in March next. [*Passed July 3.*]

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## CHAPTER 73.

### ORDER IMPOWERING FRAN<sup>s</sup> NORRIS & OTHERS TO FILE AN APPEAL.

Legislative Records of the Council, xvi., 40, 45.

House Journal, pp. 56, 67.

A PETITION of Francis Norris and Mary his wife & Elizabeth Ruby Shewing That they Appealed from a Denial of the Judge of Probate for the County of Suffolk to Grant Administration on the Estate of Samuel Burnell deced and gave Bond to prosecute their Appeal but thro' Mistake lapsed the time limited by Law for filing their Reasons of Appeal, Praying that they may be Impowred by this Court to file their Reasons of and prosecute their Appeal to Effect Against Samuel Burnell the Eldest son of the deced

Read together with the Answer of Samuel Burnal and the Matter being fully Considered,

*Ordered* that the prayer of the petition be Granted and the pet<sup>rs</sup> are allowed to file their Reasons of Appeal and pursue their Appeal to Effect Accordingly; Provided the said Reasons of Appeal be filed in the Registers office within ten days from this time. [*Passed July 3.*]

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## CHAPTER 74.

### ORDER ALLOWING THE ACCO<sup>t</sup> OF THE TREASURER OF YORK COUNTY.

Legislative Records of the Council, xvi., 45.

House Journal, p. 65.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the Year 1733 Having been laid before the Court of General Sessions of the peace for the said County and by them Allowed

Read &

*Ordered* that this Acco<sup>t</sup> be Allowed. [*Passed July 3.*]



## CHAPTER 75.

ORDER ALLOWING THE ACCO<sup>T</sup> OF THE C<sup>O</sup> TREASURER OF ESSEX.

AN ACCO<sup>MPT</sup> presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the Year 1733 having been laid before the Court of General Sessions of the peace for the said County and by them Allowed

Legislative Records of the Council, xvi., 45.

Read &amp;

House Journal, p. 65.

*Ordered* that this Acco<sup>mpt</sup> be Allowed. [*Passed July 3.*]

## CHAPTER 76.

ORDER OF NOTICE ON THE PETITION OF NATH<sup>L</sup> PERLEE & OTHERS TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of Nath<sup>L</sup> Perlee for himself & others Inhabitants of the Easterly part of the first or South Precinct in Haverhill praying that they with others within Certain bounds Mentioned in the petition and their famyls may be Erected into a Seperate precinct Agreeable to a vote of the said South precinct herewith Exhibited

Legislative Records of the Council, xvi., 46.

House Journal, pp. 65, 66.

Read &amp;

*Ordered* that this petition be Referr'd to the next Sitting of the Court for Consideration and that in the Mean time the pet<sup>rs</sup> Serve the Desenting persons with a Copy of this petion and Order that they shew Cause if any they have why the prayer of the petition should not be Granted. [*Passed July 3.*]

## CHAPTER 77.

ORDER APPOINTING A COM<sup>TTEE</sup> ON THE AFFAIR OF THE PROVINCE STABLES.

*Ordered* That M<sup>r</sup> Cooke M Welles M Thatcher and Maj<sup>r</sup> Bowles be a Committee to take Effectual Care for the Accomodation of the Province Stables with Water where his Excellenys Horses and Coaches are kept that the Com<sup>ttee</sup> be Allowed to Remove in the Fences of the Province Land in Rawsons Lane so Called about three feet so as to make it Strait with the Front Fence of the proprietors on each Side & that the partition North Westerly be set on the true line. [*Passed July 4.*]

Legislative Records of the Council, xvi., 46.

House Journal, p. 68.  
Province Laws, xi., 748, chap. 35.

## CHAPTER 78.

ORDER DIRECTING THE DISCHARGE OF JOHN LIDDELL FROM PRISON.

A PETITION of John Liddell of Boston Shewing That at an Inferiour Court of common pleas held at Boston in January last he was Sued by Andrew Fanuel as Attorney to John Wood and Ann Glyn in Several Actions, to the Amount of £24,000 and for want of Bail was Committed to Prison, where he continued till the Court in April last and then, the pl<sup>t</sup> not being able to prove himself Qualified to Sue was

Legislative Records of the Council, xvi., 32, 47.

House Journal, pp. 24, 25, 68, 69. *Ante*, p. 27, chap. 50.

nonsuited, but after the Judgment was known the said Fanenil Sued the Pet<sup>r</sup> for the same Matters in the sum of £32,000, altho the pet<sup>r</sup> has Remitted the Greatest part of the said money for which he is sued; and for as much as such Excessive Bail is Unjustly Required of him Praying for Relief from this Court and that an Act may be made to prevent persons being held to Excessive Bail and that it may have a Retrospect to his Case.

Read together with the Answer of Andrew Fanenil Esq<sup>r</sup> within named &

*Ordered* that the prayer of the petition be so far Granted as that upon the pet<sup>rs</sup> Giving Sufficient Security not Exceeding Ten Thousand pounds in Bills of Credit of this Province to Render a Just Accompt to the Attorney of John Wood and Ann Glyn within named of what he has Reced for them and paid or Remitted to them upon their obtaining a Judgment for the same and also to pay Such Ballance thereof as shall be Recovered Against him or Surrender up his Body thereupon he shall, upon giving such Security as aforesaid, be Discharged from his present Imprisonment. [*Passed July 4.*]

## CHAPTER 79.

### ORDER IMPOWERING FRANCIS BORLAND TO FILE AN APPEAL.

Legislative  
Records of the  
Council, xvi.,  
43, 47.

House Jour-  
nal, pp. 64, 69.

A PETITION of Francis Borland and Jane his wife and James Varney and Jane his wife Shewing That they Appealed from a Denial of Nath<sup>l</sup> Blagrove Esq<sup>r</sup> Judge of Probates for the County of Bristol to Grant them Admin<sup>on</sup> on the Estate of John Farwell Deced and gave Bond to prosecute their Appeal and filed their Reasons but when the Appeal was brought on to be heard before the Governour and Council It was objected Against the Pet<sup>rs</sup> that their Reasons of Appeal were filed one day later than the Law allows; Upon which their Appeal was dismist; And therefore praying That they may be Admitted to file their Reasons of Appeal and prosecute their Appeal with Effect.

Read and M<sup>r</sup> Edward Shove Attorney to the Adverse party having been Served with a Copy of this petition and not given any Answer thereto

*Ordered* that the prayer thereof be Granted and that the pet<sup>rs</sup> be and hereby are Allowed to file their Reasons of appeal and pursue their Appeal to Effect Provided the said Reasons be filed in the Registers office of Probate for the County of Bristol any time in the Month of July Currant. [*Passed July 4.*]

## CHAPTER 80.

### ORDER ALLOWING £18 PER ANNUM FOR THREE YEARS TO JOSIAH JOHNSON.

Legislative  
Records of the  
Council, xvi.,  
47.

House Jour-  
nal, pp. 67, 68.  
Province  
Laws, xi., 502,  
chap. 29.

A PETITION of Josiah Johnston of Billerica Shewing That he has for some years past by order of this Court Received a Pension of Eighteen pounds p<sup>a</sup> Annum in Consideration of his being Disabled by Wounds he Received in the Service Against the Indian Enemy that the time for his said pension is Expired and that his Wounds are Still open And therefore praying That the said Pension may be Continued.

Read &

*Ordered* that the sum of Eighteen pounds *p* Annum be Granted and paid out of the Publick Treasury to the Pet<sup>r</sup> Josiah Johnson for and during the Space of three Years to Commence from the first day of June last. [*Passed July 4.*]

## CHAPTER 81.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON REPAIRS TO THE LIGHT HOUSE, AND LEVYING A DUTY OF THREE HALF PENCE PER TON.

THE COM<sup>TEE</sup> Appointed to View the Light house Report that the Seams and Cracks be Well filled with Mortar or Putty and the whole Outside eased with Good Oak Plank of two Inches and an half thick up and down with twelve Iron hoops the Hoops to be three Inches and an half wide  $\frac{5}{8}$  of an Inch thick well drove over the Plank and to be at Suitable distances about four feet a part and boarded between the Hoops & Shingled on the outside. This Method we Apprehend Will Secure the Said Light house and make it as Strong as at first if not the better: And herein we have the Opinion of Work men going down with us, the foundation of the House not being in the least Altered nor the House Settld one way or other having Carefully plumbed it all Round The Charge thereof will be very Inconsiderable to the pulling this down and Erecting an other The Charge We Suppose of this thorough Repair Work and all will not Exceed Five hundred and Fifty pounds All which is humbly Submitted

Legislative  
Records of the  
Council, xvi.,  
47.

Legislative  
Records of the  
Council, xvi.,  
42. House  
Journal, pp. 60,  
69. *Ante*,  
p. 11, chap. 9.

W<sup>M</sup> DUDLEY in the name & by order of the Committee

In the House of Represent<sup>es</sup> Read and Accepted &

*Ordered* That the Duty on Shipping and Navigation for Defreying the Charge of the Lighthouse be for four years next coming at the Rate of three half pence *p* Tun Inward and as much Outward And that a Bill be prepared & brought in Accordingly and Samuel Welles and Thomas Tilestone Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> board shall join be a Com<sup>tee</sup> to Effect the Repairs within mentioned after the Most prudent Manner In Council Read & Concurr'd and william Dudley Esq<sup>r</sup> is Joined in the affair. [*Passed July 4.*<sup>1</sup>]

## CHAPTER 82.

ORDER OF NOTICE ON EBENE<sup>R</sup> & ELIZ<sup>A</sup> SUMNERS PETITION FOR LEAVE TO FILE A BILL IN EQUITY.

A PETITION of Ebenezer Sumner and Elizabeth Sumner his wife only Daughter of Nicholas Cock late of Boston deced Shewing That the said Nicholas Cock and Elizabeth his wife Did in November 12. 1712, by their Deed absolutly Sell and Confirm to John Mountforth of Boston aforesaid Cooper a Certain Messuage or Tenement with the Appurces in Boston aforesaid, which was to Secure the said John Mountforth from the payment of Seventy pounds with Interest, for which he was bound with the said Cock to the late Governour Dudley And the said Mountforth Gave a Bond or deed of Defeazance to the said Cock for the Redemption of said Messuage, that in February 1729 the Pet<sup>rs</sup> with their Mother Elizabeth Cock Ignorantly gave a Receipt on the back of

Legislative  
Records of the  
Council, xvi.,  
50.

House Jour-  
nal, pp. 71, 72.

<sup>1</sup> Adjourned to September 11. See Legislative Records of the Council, xvi., 49.

the said Defeazance for the sum of £400 to Mary Mountforth the Executrix to the said John Mountforth and the Seal was thereupon torn off altho in fact they did not Receive one penny of money thereon; Th[e]re-fore praying That they may be Impowred by this Court to File a Bill for the Equity of Redemption of the said House and Land, at the next Court proper to try the same and that the said Bond of Defeazance may be Deemed Good and valid as thô the Pet<sup>rs</sup> had given no Receipt thereon and the Seal thereof was not torn off or that they may be otherwise Re-ceived in the premisses.

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adverse party Mary Mountforth with a Copy of this petition that so she may give in her answer thereto on the first day of the next Sitting of this Court.<sup>1</sup> [*Passed September 11.*]

## CHAPTER 83.

ORDER ALLOWING £15 PER ANNUM FOR THREE YEARS TO NOAH JOHNSON.

Legislative  
Records of the  
Council, xvi.,  
51.

House Jour-  
nal, pp. 67, 68.  
Province  
Laws, xi., 143,  
chap. 23.

A PETITION of Noah Johnson of Dunstable Shewing that in the fight with the Indians at Pigwacket under Cap<sup>t</sup> Lovell he was so Wounded in his hands as to be much Disabled from Labouring for his Livlyhood In Consideration of which the General Court were pleased to Grant him a pension of Ten pounds a year for Seven Years which is now Expired And therefore praying for some further Allowance for the Support of himself and Family.

Read &

*Ordered* That the Sum of Fifteen pounds p<sup>a</sup> annum be Granted and paid out of the Publick Treasury to the Pet<sup>r</sup> Noah Johnson for and during the space of three Years to Commence from the first day of June last. [*Passed September 11.*]

## CHAPTER 84.

Legislative  
Records of the  
Council, xvi.,  
51.

House Jour-  
nal, p. 72.  
*Ante*, p. 7,  
chap. 2.  
*Infra*, chap. 85.

ORDER SUBSTITUTING EDWARD GODDARD FOR WILLIAM DUDLEY ON THE COMMITTEE ON THE CONNECTICUT LINE.

*Ordered* that Edward Goddard Esq<sup>r</sup> be on the Com<sup>tee</sup> for perambulating the Boundary line between this Province and the Colony of Connecticut in the Room of William Dudley Esq<sup>r</sup> who Desires to be Excused from that Service. [*Passed September 12.*]

## CHAPTER 85.

Legislative  
Records of the  
Council, xvi.,  
51.

House Jour-  
nal, p. 72.  
Province  
Laws, ii., 635,  
chap. 8.  
*Supra*, chap.  
84.

ORDER ALLOWING £200 TO THE COMMITTEE FOR PERAMBULATING THE CONNECTICUT LINE.

*Ordered* That the sum of Two hundred pounds be Granted and paid out of the Publick Treasury to the Com<sup>tee</sup> of this Court Appointed to perambulate the line with a Committee of Connecticut between the two Governments the Com<sup>tee</sup> to Account for said Sum. [*Passed September 12.*]

<sup>1</sup> On the hearing of the reference December 3 this petition was dismissed. — Legislative Records of the Council, xvi., 73.

## CHAPTER 86.

ORDER CONFIRMING A PLAT OF 100 ACRES OF LAND TO M<sup>r</sup> CHRISTOPHER SERGENT.

A PLAT of One hundred Acres of Land Granted by this Court to M<sup>r</sup> Christopher Sargent laid out by James Ingolls Surveyor and two Chainmen upon Oath lying in the Township of Methuen & Beginning at a Red oak mark'd by the Pond Comonly Called South Pond thence Runing Westerly Seventy poles to a Stake and Stones in Dracutt line thence Runing in Dracutt line to a great White Oak marked which is a Bound in Browns farm thence Runing Easterly & adjoining to Browns farm Two hundred and Eight pole to a Great White Oak Marked also Said Browns bounds thence Southerly and Adjoyning to said Browns Farm Seventy Six poles to a Small white oak mark'd by the Province land thence North Easterly Seventy poles to a Stake & Stones, thence North Westerly and bounding on the Unappropriated Land of the Province, one hundred and Fifty poles to a Red Oak mark'd near the South Pond thence by the Pond in Several Turnings about One hundred and four poles to the bounds first mentioned.

Read and

*Ordered* That the plat be Accepted, and the Lands therein delineated and described be & hereby are confirmed unto the Reverend M<sup>r</sup> Christopher Sargent his heirs and Assigns, provided it exceeds not the quantity of One hundred Acres of Land, and does not interfere with any former Grant. [*Passed September 13.*]

Legislative  
Records of the  
Council, xvi.,  
52. Maps and  
Plans, Mis.,  
viii., 30.

Maps and  
Plans, Mis.,  
viii., 30.  
House Jour-  
nal, pp. 72, 73.  
Province  
Laws, xi., 793,  
chap. 213.

## CHAPTER 87.

## ORDER OF NOTICE ON THE PETITION OF WILLIAM WARD ESQ &amp; OTHERS FOR A TRIAL OF AN ACTION BY A JURY, WITH STAY OF EXECUTION.

A PETITION of William Ward Esq<sup>r</sup> Joshua Mors and Jonas Houghton Agents for the Proprietors of a Tract of Land between Oxford Brookfield Brimfield and the Province Land, Shewing that at the Inf<sup>r</sup> Court of Common pleas held at Worcester in August last One Joseph Marsh of New Sherburn brought his Action Against the said proprietors which the pet<sup>rs</sup> were Chosen to Defend; but the Court not Allowing their power to be Good Judgment went Against them by Default, Praying for an Order to the said Court to try the said Action by a Jury at the next Term and that Execution may be Staid in the Mean time

Read &

*Ordered* that the Pet<sup>rs</sup> Serve the Adverse party Joseph Marsh with a Copy of the petition that so he may shew Cause on the first Thursday of the next Sitting of the Court why the Prayer thereof should not be Granted and that Execution be Staid in the meantime. [*Passed September 13.*]

Legislative  
Records of the  
Council, xvi.,  
53.

House Jour-  
nal, pp. 75, 76.



## CHAPTER 88.

## ORDER IMPOWERING THE COMMITTEE ON THE LIGHTHOUSE TO EFFECT THE REPAIRS.

Legislative  
Records of the  
Council, xvi.,  
53.

House Jour-  
nal, p. 73.  
*Ante*, p. 39,  
chap. 81.

A MEMORIAL of Robert Ball Keeper of the lighthouse on Beacon Island Shewing that the Dwelling house & wharff there are much Decayed and Praying That they may be Repaired and that he may be Allowed a Float for the Convenience of laying his Boat off

Read & in Answer to this Memorial.

*Ordered* That the Committee for Effecting the Light house Repairs be and hereby are fully Authorized and Impowred as soon as may be, and in the most prudent manner they can, to see the Repairs within mentioned Effected and also take Care that a Float or Small Boat of the Dementions aforesaid be built for the use aforesaid at the Publick Charge. [*Passed September 13.*]

## CHAPTER 89.

## VOTE FOR REFERRING PETITIONS &amp;c TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xvi.,  
54.

House Jour-  
nal, p. 75.

*Voted* That all Petitions Matters and things which were Referr'd over & had day in this present Sitting of the Court be further Continued and have the like day in the next Sitting of the Court. [*Passed September 13.*]

## CHAPTER 90.

## ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND TO CAMBRIDGE.

Legislative  
Records of the  
Council, xvi.,  
54. Maps and  
Plans, Mis.,  
viii., 29.

Maps and  
Plans, Mis.,  
viii., 29.  
House Jour-  
nal, pp. 73, 74.  
Province  
Laws, xi., 771,  
chap. 157.

A PLAT of One Thousand Acres of Land Granted to the Town of Cambridge laid out by Nathan Haywood Survey<sup>r</sup> and two Chain men upon Oath lying West of Lunenburgh and begining at a heap of Stones Erected for the North east Corner in Lunenburgh line about three or four Rods South of Northfield Road and so on said line South 12 deg. West One Mile and an half & thirty Seven poles to a Red Oak tree Mark'd thence West 12 Deg. North One Mile & Eleven poles to a Beach Tree the other two lines being parallel to the former

Read and

*Ordered* that the within plat be Accepted and the Lands therein delineated and described be & hereby are confirmed to the town of Cambridge for Ever,<sup>1</sup> provided the plat exceeds not the quantity of one thousand Acres of Land and does not interfere with any former Grant. [*Passed September 13.*]

<sup>1</sup> The following words here occur in the Legislative Records of the Council, xvi., 54, viz.: "the said Towns always performing the Conditions of the said Grant." The order as here printed is from Maps and Plans, as usual in such cases. See marginal citation.

## CHAPTER 91.

ORDER IMPOWERING AMOS AHANTON & OTHER INDIAN PROPRIETORS  
TO EXECUTE A DEED OF CONVEYANCE.

A MEMORIAL of John Wentworth & William Sherman both of Stoughton in the County of Suffolk praying this Court to Revive the vote of both Houses pass'd on their petition and the petition of Amos Ahanton & other Indians of Puncapang in February last and that some persons may be appointed to Receive their money for the purchase of the Lands sold them by the said Indians

Read &

*Ordered* That the prayer of the petition be Granted, and Accordingly that Amos Ahanton and the other Indian proprietors of Puncapang be and hereby are fully impowred to Execute a Good Deed of Sale of the Two hundred and Seventy Acres of Land mentioned in the Petition of Febr̄y aforesaid, as is not orchard land, and has not been under Special Improvem<sup>t</sup> of the Indians (containing about ten Acres in the Whole) to the said John Wentworth and William Sherman their Heirs and Assignes Respectively; and that John Quincey Esq<sup>r</sup> and M<sup>r</sup> Oxenbridge Thatcher, with such as the Hon<sup>ble</sup> Board shall Appoint, be Impowred to inspect the Survey and see the Deed is Agreeable thereto which they are to Certify thereon; And that thereupon the said Wentworth & Sherman do pay into the hands of John Quincey Esq<sup>r</sup> Trustee for the Indian Affairs at Puncapang the sum of One hundred & Eighty pounds four shillings, which is Inclusive of One years Interest of One hundred & Seventy pounds; the Memorialists having had the Issue and profits of the premisses for the Year past. [*Passed September 13.*]

Legislative  
Records of the  
Council, xvi.,  
54.

Legislative  
Records of the  
Council, xv.,  
494. House  
Journal,  
pp. 125, 126  
(February,  
1733); p. 73.

## CHAPTER 92.

ORDER ALLOWING £2,000 TO THE COM<sup>TEE</sup> FOR REPAIRS AT CASTLE  
WILLIAM.

A MEMORIAL of the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> and the Rest of the Com<sup>tee</sup> Appointed to Effect the Repairs of Castle William proposing Sundry New Repairs as Necessary to be made and Setting forth that the money already Granted for the Work is not Sufficient for Compleating the same and therefore moving for a further Supply for that Service

Read &

*Ordered* That the sum of Two Thousand pounds be Granted and paid out of the Publick Treasury to the Memorialists to be by them used and Employed in compleatly finishing the Repairs of the Old Work at his Majestys Castle William and Effecting the Battery at the East head Ordered by this Court at their Sitting in January last. [*Passed September 14.*]

Legislative  
Records of the  
Council, xvi.,  
55.

House Jour-  
nal, p. 75.  
Province  
Laws, xi., 780,  
chap. 180.



## CHAPTER 93.

Legislative  
Records of the  
Council, xvi.,  
55.

House Jour-  
nal, p. 77.  
Province  
Laws, xi., 684,  
chap. 82.

ORDER SUBSTITUTING CAP<sup>t</sup> WM PYNCHON JUN<sup>r</sup> FOR WM BRATTLE  
ON THE COMMITTEE FOR RUNNING THE CONNECTICUT LINE.

*Ordered* That Cap<sup>t</sup> William Pynchon jun<sup>r</sup> be on the Com<sup>tee</sup> for perambulating the Line between this Province and the Colony of Connecticut in the Room of William Brattle Esq<sup>r</sup> who desires to be Excused from that Service. [*Passed September 14.*<sup>1</sup>]

## CHAPTER 94.

ORDER IMPOWERING THE OXFORD ASSESSORS TO LEVY AND COLLECT  
A TAX OF ONE HALF PENNY PER ACRE ON LAND.

Legislative  
Records of the  
Council, xvi.,  
59.

House Jour-  
nal, p. 80.

A PETITION of Isaac Learned in behalf of the Town of Oxford Setting forth the Difficultys they are put to in Raising the Support of their Minister Since the Setting off the Town of Dudley from them; And praying that they may be Impowred to Assess the Unimproved Lands at One half penny *p* Acre *p* annum for five Years for the Support of their minister and that a Farm belonging to William Dudley Esq<sup>r</sup> Called Manchaug Farm may be Added to the Town to do Duty & Receive privilege as other lands do in the said Town of Oxford.

Read &

*Ordered* that the prayer of the petition be Granted; And the Farm belonging to the Hon<sup>ble</sup> William Dudley Esq<sup>r</sup> Called Manchaug Farm is hereby ordered to be Annexed to the said Town of Oxford, the Inhabitants whereof to do duty and Receive privilege there; And that the Unimproved lands lying in said Town, inclusive of said Farm, be and hereby are Subjected to a Tax of one half penny *p* Acre *p* annum for five Years next coming and the Assessor or assessors of said Town are allowed and Impowred to levy and Assess the said Tax And the Collector or Collectors also for the time being there during the said Term are impowred and Required to Collect and pay in the same, Agreeable to the precept of the Warrants which shall be Committed to him or them with the Assessments. [*Passed November 22.*]

## CHAPTER 95.

ORDER APPOINTING A COMMITTEE TO VIEW LANDS IN MALDEN AND  
READING.

Legislative  
Records of the  
Council, xvi.,  
59.

House Jour-  
nal, pp. 84, 85.  
*Ante*, p. 24,  
chap. 44.

ON THE PETITION of John Green & others [*ante*, p. 24, chap. 44]

In Council Read together with the answers of the Towns of Reading and Malden &

*Ordered* that Ebenezer Burrill and Francis Foxeroft Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>s</sup> shall appoint be a Committee (the Charge of the Com<sup>tee</sup> to be born as this Court shall order) to Repair to the Lands Respectively petitioned for to be Annexed to Stoneham as well as the other parts of the said Towns of Malden and Reading,

<sup>1</sup> Adjourned to November 20. See Legislative Records of the Council, xvi., 55.

view the Circumstances & Situation thereof, and hear the partys to this petition and make Report as soon as may be what may be proper for this Court to do thereon In the House of Represent<sup>a</sup> Read & Concurr'd and Robert Hale Daniel Epes and Benjamin Prescot Esq<sup>rs</sup> are Joined to the Committee. [*Passed November 22.*]

## CHAPTER 96.

### ORDER ACCEPTING THE REPORT ON ALDEN BASSES PETITION IN REGARD TO A LOST WILL.

EZEKIEL LEWIS Esq<sup>r</sup> from the Committee of both Houses on the petition of Alden Bass [*ante*, p. 795, chap. 222] Report viz<sup>t</sup>

The Committee Appointed to Consider the Petition of Alden Bass, pursuant to the Order of June last, met Several times on that affair. Sent Several times for the Widow and Children of the within named deced Joseph Bass, as also for two of those persons (namely Price Edes & George Ray) Who the Committee was Informed were Witnesses to the Will within Referr'd to, (Miles Flood & the other Witness being out of Town) And the Committee Examined the Widow and Children Separatly who all of them Acknowledged that before the Funeral of the said Deced they heard an Instrument Read at his Dwelling house which they Apprehended to be his Last Will and Testament, and Sundry of them heard it Read Again at the House of the Eldest son Joseph, who said he had it in keeping for a Considerable time; and they all agreed that the Substance of the Devises were truly Set forth in the petition, and Several of them Declared that the said Instrument was of the said Deceaseds own hand Writing; the said Price Edes & John Ray Declared that on or about the twenty Second of September last they (together with Miles Flood) Set their names as Witnesses to an Instrument which the said Deced Executed before them, but that they knew Nothing of the Contents of it: Inasmuch therefore as from the Several Acknowledgments and Declarations of the partys before mentioned it Appears very Evidently that the before named deced left a last will and Testam<sup>t</sup> in writing, the Substance whereof is Set forth in the said petition, and that some Clandestine Methods have been made use of to Secrete and Destroy the same, thereby to Frustrate & defeat the Intent of the deced, as to the disposition of his Estate, after his death; which ought Sacredly to have been observed; The Committee are of Opinion, in Order to Discourage Such Detestable practises for the future that the Several Devices and Legacys Contained in the said petition be Deemed and taken as the Last will and Testament of the deced, and that the Judge of Probate of Wills &c within the County of Suffolk be Impowred and Directed to Approve and allow of the same Accordingly, & Commit the Admcon thereof in all matters the same Concerning, to his two sons Joseph & Alden Executors therein named, if they see Cause to Accept of the same; or upon Either of their Refusal, to him that will Accept thereof; but upon both their Refusal, to such person or persons as the Judge of Probate shall think fit, taking Bond of such person or persons with Sufficient Suretys to Exhibit an Inventory of the Estate therein mentioned, within three Months from such his Allowance and for their faithfull Admincon: And the said will so Approved and Allowed pass the Several Legacys and Devices therein contained to the Respective Devises & Legatarys therein named as Effectually to all

Legislative  
Records of the  
Council, xvi.,  
60.

Legislative  
Records of the  
Council, xvi.,  
34. House  
Journal, pp. 51,  
81. Province  
Laws, xi., 795,  
chap. 217.

intents & purposes as if the original Will had not been destroyed but duly Approved and allowed All which is humbly Submitted in the name & by order of the Committee

EZEKIEL LEWIS

Read & Accepted. [*Passed November 22.*]

## CHAPTER 97.

ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND TO LEXINGTON.

Legislative  
Records of the  
Council, xvi.,  
61.

Maps and  
Plans, Mis.,  
viii., 28. House  
Journal, p. 81.  
*Ante*, p. 27,  
chap. 51.

A PLAT of One Thousand Acres of Land Granted by the General Court in May last to the Town of Lexington laid out by Ebenezer Prescott & two Chain men Upon Oath at a place Called Stogers, west of Little Watatuck being Six perch South 12 deg. West from the Westside thereof at a heap of Stones West of Lunenburg Corner, Thence Running North West 29 Deg. North three hundred and twenty perch to a Hemlock and heap of Stones Marked L about Sixteen perch from Souhegan, then Running South West 29 Deg West five hundred perch to a Hemlock & Stones; then Running South East 29 deg. East three hundred & twenty perch to a Rock & Stones laid thereon, then Running North East 29½ Deg. East One hundred & Seventy Acres to the line of Cambridge thousand acres; then Running north ten perch on the said line to the Corner of Cambridge Land; and then Running by Cambridge line forty perch; then North East 29 Deg East to the bounds first mentioned.

Read &

*Ordered* that the plat be Accepted and the Lands delineated & described be and hereby are confirmed to the Town of Lexington forever the Lands to be Subject Nevertheless to the Conditions Expressed in the Original Grant provided it Exceeds not the quantity of One Thousand Acres and does not Interfere with any former Grant. [*Passed November 22.*]

## CHAPTER 98.

VOTE ABOUT THE DISPO<sup>n</sup> OF THE MONEY FROM THE SALE OF LOTTS IN THE NEW TOWNS AT ASHULOT AND PEQUOID.

Legislative  
Records of the  
Council, xvi.,  
61.

House Jour-  
nal, p. 85.  
*Ante*, p. 24,  
chap. 42.

AN ACCOMPT of the Committee for laying out and Granting Lotts to the Intended Settlers of the three Newtowns Westward Adjusted and Settled by the Governour and Council

Whereas by the Accompt of the Committee Of the three Towns to the westward, there Remains three hundred & Sixty Eight pounds nine shillings & Eightpence in their hands to be Disposed of as this Court shall order;

*Voted* That when and as soon as the said Com<sup>tee</sup> or any three of them, on view or Otherwise shall be Certified that forty families are Settled in Each or Either of the said Towns and they have Raised the Frame of a Meeting house that the Sum of One hundred pounds be paid to such Town or their order and that in the meantime the Hon<sup>ble</sup> William Dudley Esq<sup>r</sup> (Chair man of the Committee) be Desired and Impowred to Improve the Money by letting it out to Interest for the use of the said Towns Rendring an Acco<sup>t</sup> thereof when he shall pay the said Three hundred pounds, or any part thereof to Either of the said Towns that shall have forty families and shall have Raised a frame of a Meeting

house as aforesaid; The Remaining Sixty Eight pounds Nineteen shillings & Eight pence with the Interest money that shall be Received further to be Accompted for. [*Passed November 22.*]

## CHAPTER 99.

### ORDER OF NOTICE IMPOWERING SUSANNA PELL & OTHERS TO MAKE ANSWER TO A PETITION.

A PETITION of Susanna Pell Nathanael Warner and Hannah his wife Children of John Mountforth deceased, praying that they may be Admitted to give in their Answer to a Petition of Ebenezer Sumner and Elizabeth his wife to this Court; wherein they Pray (as heirs at Law to Nicholas Cock deceased) for Liberty to file their Bill for their Equity of Redemption of a Messuage or Tenement in the Town of Boston conveyed by the said Nicholas Cock to the said John Mountforth.

Legislative  
Records of the  
Council, xvi.,  
61.

House Jour-  
nal, p. 80.  
*Ante*, p. 39,  
chap. 82.

Read &

*Ordered* that the prayer of the petition be Granted and that the petitioners Give in their Answer to the petition of Ebenezer and Elizabeth Sumner upon Tuesday the Twenty Sixth Instant and that they Notify the said Ebenezer Sumner & Mary Mountforth hereof. [*Passed November 22.*]

## CHAPTER 100.

### VOTE IMPOWERING SAMUEL HUNT AND OTHERS TO LAY OUT A TOWNSHIP.

EBENEZER BURRILL Esq<sup>r</sup> from the Committee on the petition of Samuel Hunt jun<sup>r</sup> and others [*ante*, p. 14, chap. 17] gave in the following Report viz<sup>t</sup>

Legislative  
Records of the  
Council, xvi.,  
62.

The Report of the Committee Appointed by the General Court June 7. 1734 to Repair to the Northerly and north Easterly part of the Town of Billerica petitioned for to be a Township and view the same and hear the partys and make Report at their present Sitting what they Judge proper to be done thereon. Having Repaired to the Lands petitioned for to be a Township and Carefully viewed the same and heard the partys are humbly of Opinion that the Northerly and north Easterly part of the Town of Billerica be sett off a Seperate & distinct Township taking in two thirds of the Land from Andover line to Billerica Meeting house by a Parrellel line with Andover line Extending from Concord River to Wilmington line and that the Inhabitants of the said Town be vested with all the powers and Immunitys that other Towns in this Province do or ought to Enjoy Provided that the said Inhabitants pay their Respective proportions to all Province Taxes that are Already Levied or assessed upon the Town of Billerica hitherto Arisen within the said Town<sup>1</sup>

House Jour-  
nal, pp. 81, 85,  
86. Province  
Laws, ii., 739,  
chap. 17.  
*Ante*, p. 14,  
chap. 17; p. 15,  
chap. 21.

Read &

*Ordered* that this Report be Accepted and that the petitioners have leave to bring in a Bill Accordingly, The Charge of the Committee to be born by the petitioners. [*Passed November 22.*]

<sup>1</sup> The town was called "Tewksbury."



## CHAPTER 101.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR RUNNING  
THE CONNECTICUT LINE.

Legislative  
Records of the  
Council, xvi.,  
63. Mass.  
Archives, iv., 3.

House Jour-  
nal, p. 85.  
Province  
Laws, xi., 684,  
chap. 82.  
*Ante*, p. 40,  
chap. 84; p. 44,  
chap. 93.

WE THE SUBSCRIBERS namely Ebenezer Burrell & John Wainwright Esq<sup>rs</sup> & Cap<sup>t</sup> William pynchon Jun<sup>r</sup> (with Edw<sup>d</sup> Goddard & John Chandler Jun<sup>r</sup> Esq<sup>rs</sup> (any three of whom to be a Quorum.)<sup>1</sup> being a Committee appointed on the part of the province of the Massachusetts Bay. And Roger Woleot Esq<sup>r</sup> Mess<sup>rs</sup> Jonathan Burnham & Roger Newberry (with M<sup>r</sup> James Leavins, (any three of whom to be a Quorum.)<sup>1</sup> a Committee on the part of the Colony of Connecticut to perambulate the line between the two Governments abovesaid & renew the boundarys thereof as far as the Colony of Connecticut extends; as the same was heretofore Settled & confirmed being run by Commissioners of each Government thereto appointed, report as follows viz<sup>t</sup>

We met at the town of somers (lately the East precinct of Enfield) on the 16 day of October last; & on the 17<sup>th</sup> day of said Month we proceeded to the Monument on the late East bounds of Enfield (now Somers Eastbounds) at the foot of the westerly mountain Eastward in the line brought up from Wrentham; the place where the Committee for the service above mentioned ended their Work in May last; from thence we run by a line of Trees and Heaps of stones formerly marked and made to the s<sup>o</sup> East Corner of somers; which is an heap of stones on the East Side of the high Mountain, the Course whereof by Our Compass we found nearest South fourteen degrees thirty Minutes West from thence we run by a line of Marked Trees & Monuments to Connecticut River distant from which twenty Six rods Eastward we raised a Monument of stones on the North Side of, and distant about two feet from, a small black Oak Tree, which we marked; the Monument on the Rivers Bank being washed away as we suppose; We found this Course by the Compass nearest W. 1 gr: N. in this line are the following Monuments Viz<sup>t</sup>

On the Westerly Side of the Mountain a large heap of stones round a white Oak Tree formerly marked which we renewed which is the N<sup>o</sup> E<sup>t</sup> Corner of Windsor Antient bounds Another Monument is an heap of stones which we laid at the root of a pitch pine tree fallen down but Antiently marked, not far East of somers S<sup>o</sup> W<sup>t</sup> Corner, and W. of a little popleswamp, the line continued runs through James Simonds's dwelling house about the Middle of it Another Monument is a white Oak Tree formerly marked, which we new marked, Standing on a point of high Land W of scantick River, near a path, & Northward of improved Land Another Monument is a White Oak about two rods southward of saltonstalls brook on the W. Side the Country road old marked, which we new marked; there are also sundry other marked Trees in this Line


On the twenty Second we begun on the W Side of Connecticut River at the S<sup>o</sup> E<sup>t</sup> Corner of sullfield at a large White Oak Tree formerly marked, which we new marked with the following Letters viz<sup>t</sup> On the N<sup>o</sup> Side thereof E B. E G. & W. & C. W P. 1734. W. C and above M B. On the s<sup>o</sup> Side thereof. R W I B. R N. and Above C. C. The Tree Stands on the W. Side of the bank of the River two or three rods from the same, & about half a Mile below the Island Near the foot of the Falls in Said River, And it bears N<sup>o</sup> 35 gr. & 30. // W<sup>t</sup>. from the Mouth of a brook known by the Name of saltonstalls brook which empties it Self into Connecticut River on the E<sup>t</sup>. Side thereof, and we laid an heap of stones about

<sup>1</sup> *Sic*, as to marks of parenthesis.

Said Tree from thence we run on a Streight line to another heap of stones in a swamp about a small dog Wood (or Witch Hazel) Tree, for the Corner bounds between Windsor and suffield; fourteen feet or upward Northward of a button Wood Tree; which Course we found to be W. 15 gr:  $\text{N}^{\circ}$  wherein we found sundry ditches, Monuments of stones, and marked Trees from thence we proceeded on a Streight line to an heap of stones at the  $\text{N}^{\circ}$  E<sup>t</sup> Corner of the town of symsbury, in which heap we found one great Stone raised on End, and marked with MP. on the  $\text{N}^{\circ}$  Side; and the remains of the Letter C on the S<sup>o</sup> Side thereof; which line we found to run N<sup>o</sup> 19 gr. 10'' E<sup>t</sup> whereon we erected the following Monuments Viz<sup>t</sup> from the said Dog Wood (or Witch Hazel) Tree at Eighty perch distance, an heap of stones about half a rod W. of a white Oak Tree at the End of Eighty perch more a Stake and Stones about two feet West of a crooked Small white Oak Tree at the End of Eighty perch more a Stake and heap of stones on the bank on the  $\text{N}^{\circ}$  Side of a pond of the Iron Works Eighty perch more a stake & heap of stones one rod and an half distant from the N<sup>o</sup> W<sup>t</sup> Corner of Jonathan smith's dwelling house at Eighty perch more an heap of stones in a low brushy place at Eighty perch more a stake & heap of Stones forty four rods southerly of said  $\text{N}^{\circ}$  E<sup>t</sup> Corner of symsbury, being at the great Stone aforesaid from thence we run a Streight line to a large heap of stones in the N<sup>o</sup> bounds of symsbury on the Top of the Mountains or Turkey Hills about One rod Eastward of a white pine Tree marked, standing on the Edge or Ledge of the Mountain Westward, which we new marked; which line we found to be W. 26 gr:  $\text{N}^{\circ}$  from thence we continued the Said line the Same Course by a line of old marked Trees to the Southerly End of Mount Gomery or Nanatuck where we erected an heap of Stones:  $\text{N}^{\circ}$  & by E<sup>t</sup> twenty Seaven rods from an heap of stones near the foot of the Mountain, which (as we suppose) is the heap of stones formerly raised by the Commissioners for the W<sup>t</sup> or S<sup>o</sup> Westerly Corner of suffield from whence we run over said Mountain on a Streight line  $\text{N}^{\circ}$  & by E<sup>t</sup> by old marked Trees and a Monument of Stones to the south bounds of Westfield where we Set up a Stake & an heap of stones in a Meadow Southward of a brook near Westfield line from said Stake and heap of stones we run by a line of old marked Trees and other Monuments to the S<sup>o</sup> W<sup>t</sup> Corner of Westfield, being an heap of Stones round a white Oak Tree on the East Side of a small run of Water, and on the West Side of a little plain, which Tree we found marked with many Letters. from thence we run nearest a line  $\text{N}^{\circ}$  14 gr: 40'' East by old marked Trees, and other Monuments to an heap of Stones in the true Streight Colony Line on the Easterly Side of a little Swamp, and about One rod Northerly of a Small white Oak Tree formerly marked which we new Lettered: And upon a diligent Search & Carefull Inquiry we could not find any monument which had So near a resemblance to the heap of stones described for the West bounds of Westfield in the report of the Commissioners that run the line in June 1714, as this heap of stones; the white Oak Tree mentioned in said Report whereon the first Letters of the Commissioners names, as well as the Letters  $\text{M}$ , and C. C are said to be marked not being to be found and from the heap of stones Northerly of said Small white Oak Tree we continued the Colony Line Westward to the Monument on the Mountain West of Westfield bounds, mentioned in the report of the Commissioners that run the line septemb<sup>r</sup> 1717 from thence we continued the perambulation & renewed the boundaries of the Line to Houssatonuck River Viz<sup>t</sup> from the last mentioned Monument three hundred & Sixty perch to a white Oak Tree old marked, with an heap of stones about it, which we new Marked thus. On the  $\text{N}^{\circ}$  Side W P and on the S<sup>o</sup> Side R N. with the Surveyors mark Ø



On the West side of the East Branch of Farmington River renewed the Monument round the white Elm old marked and made new marks thereon Viz<sup>t</sup> On the ~~N~~<sup>W</sup> Side, lettered E B. On the ~~S~~<sup>E</sup> Side R. W; and Sundry other Letters marked on said Tree

Also we new marked the large hemblock Tree in the Commissioners report mentioned, Standing on the W<sup>t</sup> bank of the Second Branch of Farmington River thus, On the ~~N~~<sup>W</sup> Side M. P & W. On the S<sup>o</sup> Side C, and on the E Side 

We also new marked another large hemblock Tree in the said Report called Thaxter Tree Standing on the W<sup>t</sup> Side of a large Miry Swamp about three rods South of a little run of Water which empties it Self into it

We renewed the Monument of the heap of Stones mentioned in the said Report Standing on the West bank of the third branch of Farmington River between two Hemblocks old marked, and new marked them

We renewed the heap of Stones on the West bank of the Main branch of Farmington River near an old marked dry Hemblock, which we new marked, and made a New Monument of an heap of Stones round a Maple about two rods W. from the River, and Marked the Maple Tree We renewed the Monument of stones mentioned in said report Standing about eighty rods. S<sup>o</sup> W<sup>t</sup> from Charles pond on the East Side of a little brook emptying it Self into the pond, and eight rods and an half by the Chain Eastward of a large old marked Maple Tree, which we new marked, & also marked several other Trees round said Monument

We renewed the Monument of Stones on the West Side of Allyn River Mentioned in Said Report, which is an heap of Stones round an old marked Elm Tree, which we new marked

We renewed the Monument of an heap of flat Stones on a large rock near a beach Tree old marked which we new marked Standing on the W<sup>t</sup> Side of a Small River running Northward about twenty rods Southward of a large Fall in another River that unites with it

xx<sup>a</sup> We New marked the three fanged white pine Tree mentioned in the report standing on the West Side of Burnham River

We new marked the white Oak in the report on the West Side of Whiting River

We also new marked the Chess Nut Tree mentioned in the Report on the East Side of Houssatonnuck River, & Set up a New Stake on the East Bank of the River; about one rod East of the said Stake is an Elm marked with an heap of Stones about it

On the Second day of November we continued the Course of the Line Westward from the Monument on the West bank of Houssatonnuck River, which is a Stake and heap of Stones which we renewed by a line of old marked Trees until we came to the Stream of Water mentioned in the Commissioners Report running across Mount Eskoll,<sup>1</sup> which we called Talcot River and found the Same to be five Miles from Houssatonnick River; in which Line are sundry old marked Trees Viz<sup>t</sup>

at one Mile and Seventy rods distant from the River, a white wood Tree which we renewed; thence 142 rods to a Walnut Tree antiently marked, which we renewed, it Stands about Six rods Southward from Iron Oar path; thence One Mile and 128 rods to a large white Oak Tree old marked which we renewed from Talcot River we continued the Line over Mount BELCHER which is the highest of the Tauckanet Mountains the line passes over; and on the East Side of the Mountain near the Top we erected a monument of Stone which is Seven Miles and forty rods distant from Houssatonnick River; In this line

<sup>1</sup> This word is underlined in Mass. Archives, iv., 3.

on the first Hill Eastward of Mount BELCHER we made a Monument of Stones, round a Small pine and marked the pine, and also made sundry other marks and Monuments in the line thence we continued the Course of the line until we came to the E. Side of the Oblong; being about Eighty rods Westward of the last mentioned Monument, and fifty rods Northward of a large Monument of stones about a Stake in the valley Westward of Mount BELCHER formerly made for the East bounds of the Oblong and the West bounds of the Colony of Connecticut. The Darkness of the Night comieng on we could not make a monument at the Intersection of the Lines November 5. The Committee on the part of the Massachusetts Moved the Committee of Connecticut further to continue the perambulation, To which the Committee on the part of Connecticut Answered that by a late agreement between the Colony of Connecticut and the Colony of New York, Connecticut had consented that the Colony of New York should extend twenty Miles with the allowance of twelve rods addition to a Mile East from Hudson's River against the Northwest Corner of Connecticut, and that there should be taken out of the Colony of Connecticut, and added to the Colony of New York one Mile & three quarters and twenty rods as an Equivalent for Lands near the Sea and accordingly the bounds between the two Colonys were fixed by Monuments; And so far they had already perambulated with the Massachusetts, And thereupon declined going any further

N. B. on the third page back [*ante*, p. 50] omitted ~~xx~~. We new marked the Bass Wood Tree in said Report on the W Side of Porter River and renewed the heap of stones about it, and new marked a maple Tree about a rod W. from it

EBEN<sup>R</sup> BURRILL

JOHN WAINWRIGHT

W<sup>M</sup> PYNCHON JUN<sup>R</sup>

ROGER WOLCOTT

JONATH<sup>N</sup> BURNHAM

ROGER NEWBERRY

Read & Accepted. [*Passed November 23.*<sup>1</sup>

## CHAPTER 102.

### ORDER ACCEPTING THE COMMITTEES REPORT ABOUT DUNSTABLE LINE.

THE COM<sup>TEE</sup> Appointed the 28<sup>th</sup> of June last to Renew the line of Old Dunstable, where the same Joins to the Unappropriated Lands of the Province, have attended that Service & Report thereon as follows viz<sup>t</sup> We began at the Stump of a pine tree the Reported bounds of Dunstable Dracutt & Methuen, which had been formerly marked with the Letter F the Tree fallen down which Stood in Sight of Bever Brook; from thence we Ran a Course two Degrees Westward of the NorthWest to Merrimack River The Bounds from the Stump we Renewed by heaving Stones about it from thence we new Marked a pine from thence to an Old Marked Pine so Renewed the Marks on the aforesaid Course Severall Trees being Antiently marked with the Letter F to Merrimack River which we Renewed and Marked with D on the Westerly Side & M. on the Easterly: On the West side of Merrimack River We begun at a place Called Dram cup hill on the North west Corner of Charlestown School Farm at Souheag River and Ran from thence a South point by the Needle finding many old Marks and Renewing the same & w[h]ere the old Marks were down made new

Legislative  
Records of the  
Council, xvi.,  
63.

House Jour-  
nal, p. 88.  
*Ante*, p. 35,  
chap. 70.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 25.

One<sup>s</sup> and we lettered many of them with D M. coming by the West-  
erly end of Muscatanapus pond and so Continued the same Course till  
it intersected the Northerly line of Townshend which is Submitted By  
Your Excellenys & Honours most Obed<sup>t</sup> Servants

SAM<sup>l</sup> THAXTER  
JN<sup>o</sup> WAINWRIGHT  
CHARLES CHURCH

Read & Accepted. [*Passed November 26.*]

## CHAPTER 103.

ORD<sup>B</sup> GRANTING FURTHER TIME FOR LAYING OUT BENJ<sup>A</sup> STARS LAND.

Legislative  
Records of the  
Council, xvi.,  
64.

House Jour-  
nal, p. 86.  
Province  
Laws, xi., 745,  
chap. 83.

*Ordered* that twelve Months time more be Allowed to Benjamin Star  
of New London and the other Decendants & heirs of the Widow of D<sup>r</sup>  
Thomas Star late of Charlestown d<sup>eed</sup> to take & Return a plat of four  
hundred Aeres of Land Agreeable to the vote of this Court of the 13<sup>th</sup> 1  
of October 1733 the Survey<sup>r</sup> on whom they Depended to take the plat  
before being otherwise Detained Since in the publick Service. [*Passed  
November 27.*]

## CHAPTER 104.

ORDER OF NOTICE ON HENRY WHITTENS PETITION FOR TRIAL OF AN  
ACTION.

Legislative  
Records of the  
Council, xvi.,  
64.

House Jour-  
nal, pp. 88, 89.  
Province  
Laws, xi., 754,  
chap. 114; 774,  
chap. 163.

A PETITION of Henry Whitten of Boston Cooper Shewing that at  
the Inf<sup>t</sup> Court for the County of Suffolk held in July 1733 he brought  
his Aetion Against William Daniels of Biddeford for £33. 11. 3 & Judg-  
ment was for the def<sup>t</sup> from which the pet<sup>r</sup> Appealed to the Superiour  
Court held in August following and filed his Reasons of Appeal but  
they could not be found when the Court sat And therefore the said  
Daniels Attorney (William Bollan) filed his Complaint and thereupon  
Obtained a Confirmation of the former Judgment That upon the Pet<sup>rs</sup>  
first petition to the General Court in this Case they ordered that the  
said Daniels or his Attorney should be Served with a Copy and upon  
his Second Petition that the said Daniels only should be served with  
a Copy; which orders the pet<sup>r</sup> hath Complied with, but could obtain  
no Answer And therefore praying that he may be Enabled by an order  
of this Court to sue for his Debt the former Judgment Notwithstanding.

Read &

*Ordered* That the pet<sup>rs</sup> first petition (preferred to this Court in Octo-  
ber 1733) be Revived and the Consideration thereof Referr'd to the  
first Thursday of the next Sitting of this Court, and that the pet<sup>r</sup> in  
the meantime Serve the within named William Daniel with a Copy  
thereof that he may then shew Cause if any he have why the prayer  
thereof should not be Granted. [*Passed November 27.*]

<sup>1</sup> *Quere*, 19<sup>th</sup>? See Province Laws, xi., 745, chap. 83, and the House Journal, p. 86.

## CHAPTER 105.

ORDER IMPOWERING JOS. SEVERANCE TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Joseph Severance of Deerfield Shewing that about twenty one Years agoe he was wounded by the Indian Enemy, being a Soldier in the Service of the Province, and has been a Cripple ever Since, and like to be So till his death

Legislative  
Records of the  
Council, xvi.,  
65.

House Jour-  
nal, pp. 85, 90.

And for as much as the Pet<sup>r</sup> has never had any thing from this Government for his Support, Therefore praying for some Allowance from this Court in consideration of his Wounds & his Disability thereby

Read & in Answer to this petition

*Ordered* That the petitioner have leave by a Survey<sup>r</sup> and Chain men upon Oath to Survey and lay out two hundred Acres of the Unappropriated Lands of the Province in the County of Hampshire and Return a plat thereof to this Court within twelve Months for Confirmation to the Pet<sup>r</sup> his heirs and Assignes in consideration of the Smart and misfortune he has Under gone by Reason of the wound within mentioned. [*Passed November 27.*]

## CHAPTER 106.

VOTE FOR RUNING THE LINE OF THE TOWNS BORDERING ON CONT.

*Voted* that the Committee of this Court lately Appointed to perambulate the line with the Colony of Connecticutt be desired to project and prepare a Bill impowring & Requiring the Towns in this Province lying on the said line of Jurisdiction lately agreed on by the two Governments to perambulate the said line for themselves with the Towns lying on the other side of the said line in the Colony of Connecticutt to take place in Case the Colony of Connecticutt will make an Act of the like Nature to impower and Oblige the Towns lying in their Government on the said line to Perambulate with the said Towns in this province the Committee to Report as soon as may be. [*Passed November 27.*]

Legislative  
Records of the  
Council, xvi.,  
65.

House Jour-  
nal, p. 89.  
*Ante*, p. 48,  
chap. 101.

## CHAPTER 107.

ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF THE BILLS OF CREDIT AND PRIVATE NOTES.

IN THE HOUSE OF REPRESENT<sup>A</sup> In Answer to that part of his Excellencys Speech of the 22<sup>d</sup> Currant which Relates to the Bills of this province as well as of the Neighbouring Colonys & the private Notes

Legislative  
Records of the  
Council, xvi.,  
65.

*Ordered* That John Stoddard Elisha Cooke John Chandler Benjamin Prescott and Job Almy Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Committee to take the same Under Consideration and Report their opinion as soon as may be what may be proper for this Court to do thereon

Legislative  
Records of the  
Council, xvi.,  
57. House  
Journal, p. 90.

In Council Read & Concurr'd & Thomas Hutchinson Thomas Fitch Edmund Quincey and Isaac Lothrop Esq<sup>rs</sup> are Joined in the affair. [*Passed November 27.*]



## CHAPTER 108.

## ORDER IMPOWERING THE LUNENBURG ASSESSORS TO LEVY AND COLLECT A TAX OF ONE PENNY PER ACRE ON LAND.

Legislative  
Records of the  
Council, xvi.,  
65.

House Jour-  
nal, p. 87.

A PETITION of Josiah Willard Esq<sup>r</sup> in behalf of the Town of Lunenburg Shewing that they have lately been at Great Charge in building and finishing their Meeting house Settling their Minister & other things Necessary and that there are great quantitys of unimproved Lands which Rise in their value by Reason of those things which Occasion the said Expences And therefore Praying that they may be impowred to tax the said Unimproved Lands at one penny *p* acre *p* annum for the Space of three Years for the better Enabling the Inhabitants to bear the Charges of the said Town

Read and

*Ordered* That the prayer of the petition be Granted and the assessors of the said Town of Lunenburg for the time being for three Years next coming be and hereby are fully Authorized and impowred to levy and assess a Tax of one penny *p* acre *p* annum on all the Unimproved Lands in the said Town and the Collector or Collectors there are also Respectively impowred and Required to Collect and pay in the said Sum of the said Tax according to the precept of the Warrant to them committed for Collecting the same and paying it for Defreying the Charges arising within the said Town as within mentioned & the Said lands are Accordingly Subjected to the said Tax. [*Passed November 27.*]

## CHAPTER 109.

## ORDER ACCEPTING THE COMMITTEE'S REPORT ABOUT THE BILLS OF CREDIT &amp; LOANS.

Legislative  
Records of the  
Council, xvi.,  
66.

House Jour-  
nal, pp. 64, 90.  
*Ante*, p. 53,  
chap. 107.

THE COMMITTEE Appointed by this Court to take into consideration that part of his Excellencys Speech Referring to the Bills of Credit and the Publick Loans of this Province, Report as their Opinion, that the sum of Sixty Thousand pounds in Bills of Credit of this province of a New Form be made and Emitted as soon as may be, and that an Act be passed Accordingly, Agreeable to the Bill herewith presented And they further Report as their Opinion that a Committee of this Court be forthwith Appointed for Auditing and Settling the Accompts of the Several Loans, and that the Trustees & Commissioners for the said Loans be Ordered to Transmit to the Chair man of the said Committee all the Accompts that are Wanting of the said Loans which the said Trustees and Commissioners are by Law Obligated to Render to this Court on or before the first of March next

In the name and by Order of the Committee

THO<sup>s</sup> HUTCHINSON

In the House of Represent<sup>a</sup> Read &

*Ordered* that the Report be so far Accepted as it Relates to the Auditing and Settling the Accompts of the Several Loans & obliging the Trustees and Commissioners for the said Loans to transmit their Acco<sup>ts</sup> Accordingly And that M<sup>r</sup> Speaker M<sup>r</sup> Cushing Samuel Welles Esq<sup>r</sup> & John Wainwright Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall join be a Com<sup>tee</sup> to Audit and Settle the said Accompts And the Trustees and Commissioners for the said Loans are hereby Strictly Required to Transmit such of their Accompts as are wanting to the Chair man of

the Committee on or before the first day of march next the Com<sup>tee</sup> to make Report of their doings thereon as soon as may be

In Council Read & Concurr'd & Ezekiel Lewis John Jeffrys & Anthony Stoddard Esq<sup>s</sup> are joined in the Affair. [*Passed November 27.*]

## CHAPTER 110.

ORDER FOR THE APPOINTMENT OF COMMISSIONERS TO SETTLE THE LINE BETWEEN MASSACHUSETTS AND NEW YORK.

WHEREAS the Boundary between this Province and the Colony of New York has never been Run by persons appoint'd by the Respective Governments and a longer delay may probably occasion many Inconveniencys for preventing thereof

*Ordered* that \_\_\_\_\_ be Appointed Commissioners on behalf of this Government to meet Commissioners from the Government of New York & with them to Agree upon and finally to settle the said Boundary or dividing Line or Lines between this Government and the Government of New York and said line or lines to Run & therein to make proper Monuments And their Conclusions Agreements & doings Signed Sealed & perfected by the Greater Number of the Commissioners Appointed by the Government of New York shall be forever Deemed and held good & Valid by this Government, Provided the like power be given by the Government of New York to their Commissioners.<sup>1</sup> [*Passed November 27.*]

Legislative  
Records of the  
Council, xvi.,  
66.

House Jour-  
nal, p. 91.  
*Post*, p. 59,  
chap. 117.

## CHAPTER 111.

ORDER IMPOWERING SAMUEL HUNT AND OTHERS TO SURVEY AND LAY OUT A TOWNSHIP FOR THE SOLDIERS IN FALLS FIGHT.

A PETITION of Samuel Hunt of Billerica for himself & other Survivours of the Officers and Soldiers that belonged to the Company of Cap<sup>t</sup> Turner and the Represent<sup>s</sup> of those that are dece<sup>d</sup> Shewing That the said Company in 1676 Engaged the Indian Enemy at a place above Deerfield and Destroyed above three hundred of them And therefore praying that this Court would Grant them a Tract of Land above Deerfield Suitable to make a Township

Legislative  
Records of the  
Council, xvi.,  
67.

House Jour-  
nal, p. 81.

In the House of Represent<sup>a</sup> Read & in Answer to this Petition

*Voted* That the prayer thereof be so far Granted as that the pet<sup>rs</sup> have leave by a Surveyor and Chain men upon Oath to lay out a Township of the Contents of Six Miles Square to the Northward of the Town of Deerfield in the Unappropriated Lands of the Province and Return a plat thereof to this Court for Confirmation within twelve months; And the said Township is hereby Granted to the Pet<sup>rs</sup> and such other Officers and Soldiers that were in said Fight above Deerfield, commonly called the Falls fight, and to the Descendants of any of the officers and Soldiers that were in said Fight, and are deceased, that shall be Admitted by the Committee hereafter named; Provided the Grantees do within four Years Settle Sixty Familys in said Township, and have each of them an house of Eighteen feet Square, and five Acres of Land brought to English Grass, or broke up by plowing, and also build a Convenient Meeting house, and Settle a Learned orthodox Minister Among them,

<sup>1</sup> For the names of the commissioners see *post*, p. 59, chap. 117.



lay out a Home lot for the first Settled Minister and Another for the Ministry, each of which to draw a Seventieth part of said Township, also a Lott for the School of One hundred Acres: the Remainder to be divided into Equal parts among those that are admitted; And that John Stoddard Joseph Dwight Charles Church Samuel Danforth Esq<sup>rs</sup><sup>1</sup> with such as shall be Appointed by the Hon<sup>ble</sup> Board be a Committee to Receive the Claims of all such as shall Challenge by this Grant and are impowred and Required to Admit all such officers and Soldiers as shall within twelve Months from this time put in their Claims and give a Satisfactory Account of their being in the Fight and shall also Admit one and only one of the Descendants of each of the officers and Soldiers that were Killed in said fight or since deced provided they put in their Claims and make their Challenge within twelve Months as aforesaid And the Committee are further Directed always to give preference to the Eldest of the sons of each officer or souldier deced that shall put in their Claims; and in Case no son does put in his Claim within twelve Months, then to give preference to the Eldest Male Descended from any such officer or Soldier Deeed that shall put in their Claims as aforesaid, & all others shall be Excluded.

In Council Read & Concurr'd and William Dudley & Ezekiel Lewis Esq<sup>rs</sup> are Joined in the affair. [*Passed November 28.*]

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## CHAPTER 112.

### ORDER IMPOWERING BENJAM<sup>M</sup> BELLOWES & OTHERS TO SURVEY AND LAY OUT 450 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
68.

House Jour-  
nal, p. 90.  
Province  
Laws, xi., 743,  
chap. 80.

A PETITION of Benjamin Bellows Hilkiah Baynton & Moses Willard Shewing that they are Desirous to Settle upon the Road from Lunenburg to Northfield & one of them to keep a publick House for the Entertainment of Travellers at a Convenient distance from Lunenburg between that and the place already taken up for a publick house And therefore praying for a Grant of four hundred & fifty Acres of Province Land on the said Road on the part Thereof before mentioned

Read &

*Ordered* That the prayer of the petition be Granted so far as that the pet<sup>rs</sup> have leave by a Surveyor and Chainmen on Oath to lay out in a Regular Form Four hundred and fifty Acres of the Unappropriated Lands lying on the Road from Lunenburg to Northfield near to Lexington Farm and Return a Plat thereof to this Court within Six months for Confirmation to the Pet<sup>rs</sup> their heirs and Assignes forever provided the Pet<sup>rs</sup> do within the space of Six months from this Grant build a Good Dwelling house of twenty feet Square and Eleven feet Stud and finish and furnish the same fit for the Entertainment & Accomodation of Travellers on the said Land, and Inhabit the same by themselves or some other Suitable Family for the Space of Eight Years next after, and also two other Dwelling houses of Sixteen feet Square and Seven feet Stud on said Land within two Years from this time, and inhabit the same the Term aforesaid; and on failure of performing any of the Conditions of this Grant the same shall become void and all the Lands Granted with the Improvements thereon shall Revert to the Province. [*Passed November 28.*]

<sup>1</sup> The House Journal, p. 81, adds John Wainwright, Esqr., to the committee.

## CHAPTER 113.

## ORDER FOR A STAY OF EXECUTION, PENDING AN ACTION.

A PETITION of Zachariah Parker late of Weston in this Province & now of Pomfret in the Colony of Connecticut, Shewing That Joseph Parks & Ephraim Parks of Concord in the County of Middlesex became bound for him on the Suit of Ebenezer Hunt for Which the pet<sup>r</sup> Gave them his Bond for three hundred pounds to Indemnify them which he has Accordingly done Notwithstanding which they have put the pet<sup>rs</sup> Bond in Suit Against him and Recovered Judgment against him and levied part thereof by Execution and taken out an alias Exec<sup>on</sup>

Legislative  
Records of the  
Council, xvi.,  
67, 70.

House Jour-  
nal, pp. 87, 88,  
91.

That the pet<sup>r</sup> has brought his Action Against the said Joseph and Ephraim Parks but cannot Appear at Court to pursue it without being liable to their Execution And therefore praying that this Court would Stay the said Execution Untill the final Issue of the petit<sup>rs</sup> Action

Read together with the Answer of Joseph Parks & Ephraim Parks and the same being fully considered

*Ordered* that the prayer of the petition be so far granted as that the Al<sup>t</sup> Execution Against the pet<sup>r</sup> within mentioned be staid till the Event of his Action Against the Respondents at the next Inferiour Court of Common pleas to be held in the County of Middlesex And (in Case Either party appeal from the Judgm<sup>t</sup> of the Inferiour Court) Untill the Issue of the said Cause upon the Appeal. [*Passed November 30.*]

## CHAPTER 114.

ORDER OF NOTICE ON THE PETITION OF DUNSTABLE INHABITANTS  
FOR A COMMITTEE TO LOCATE A MEETING HOUSE.

A PETITION of John Kendall & other Inhabitants of the Town of Dunstable Shewing That on the fifteenth of November Instant at a Meeting of the Inhabitants of the said Town about thirty persons only being present It was voted by a Majority of One person only That a Meeting house should be Erected on a Spot of Land in the Easterly part of the Town near the highway between Joseph Frenches & Henry Farwells jun<sup>r</sup> which place is not near the Center of the Town and very Inconvenient on many Accounts And therefore praying that this Court would Appoint a Committee of Disinterested persons to View the Town & State the place for the said Meeting house

Legislative  
Records of the  
Council, xvi.,  
70.

House Jour-  
nal, p. 94.

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Town of Dunstable with a Copy of the petition that they may Shew Cause if any they have, why the prayer thereof should not be Granted, on Fryday the thirteenth day of December next. [*Passed November 30.*]

## CHAPTER 115.

ORDER OF NOTICE ON PETITION OF JOHN PEABODY &amp; OTHERS TO BE ANNEXED TO BRADFORD.

Legislative  
Records of the  
Council, xvi.,  
71.  
House Jour-  
nal, p. 94.

A PETITION of John Peabody John Hovey & George Carlton all of the Town of Boxford Shewing that they live at a Great Distance from the place of publick Worship in said Town and are much nearer to the West precinct in Bradford where they have always Attended on Divine Service on the Lords days; And therefore praying that the petitioners and their familys and Estates may be set off from Boxford and Annexed to the West precinct in Bradford aforesaid.

Read &

*Ordered* that this petition be Referr'd to the first Monday of the next Sitting of this Court for consideration and that in the mean time the pet<sup>rs</sup> Serve the Town of Boxford with a Copy of the petition that they then shew Cause if any they have why the prayer thereof should not be Granted. [*Passed November 30.*]

## CHAPTER 116.

ORDER ON THE REPORT ABOUT INDIAN CLAIMS TO THE WESTWARD.

Legislative  
Records of the  
Council, xvi.,  
71.

Province  
Laws, xi., 675,  
chap. 61; 762,  
chap. 137.

THE COM<sup>TEE</sup> Appointed to Enquire into the Claims of Indians to Lands in the western parts gave in the following Report viz<sup>t</sup>

Pursuant to the order of the General Assembly within mentioned we Went to Northfield where we Examined their Deeds of lands purchased about the time of their first Settlement and found that the lands on the Westside of Connectiutt River were purchased from the lower end of Northfield Township as far North as west River which includes the two Meadows Claimed by Mecanumbee; thence we went to Fort Dunmer; where we met with about twenty Indians but Mecanumbee was gone to Canada. We Endeavoured to Satisfy those that were present that the Lands Claimed by him had been Anciently purchased; they Seemed little Concerned about this Claim; Cap<sup>t</sup> Kellog informed us that many of them had told him that they did not think Mecanumbee had any Right to those Lands: Soukees was likewise gone ahunting, So that we had no Oppertunity to discourse with him about the Claim he makes on Merrimack River; the main thing they insisted on was the Claim of Ompamet to Lands on each Side Connectiutt River, about two Miles up & down the River, begining at a Brook on the East side of the River that emptieth into the Great River near to Taylors Island & Runing down the River a little below the Great Meadow part of the Equivalent land & part of the land laid out to the heirs of the late Hon<sup>ble</sup> Col<sup>l</sup> Tailer And the Indians Agreed that those Meadows belonged to Ompawmet, and that they had never sold them; which we Judged was probably true; Ompawmet first Asked Three hundred pounds, but withal told us they did not know the value of Land; but after some discourse he let us know he was willing to take One hundred pounds: There was also An Indian in behalf of Francois his Friend that was absent that Challenged a Tract of Land on Sunderland Road, that leads to Lancaster being two hills of Good Land, where a herd of Cattle had been kept the Summer past, but was not able Distinctly to bound it; there were two Squaws (one was the Wife of Wamshaw)

that Challenged a Tract of Land on Deerfield River begining about ten Miles West from Deerfield They desired that the Government would purchase these two parcells of Land; We told them We had not been instructed with Respect to these two last parcells of Land but on their Desire would Acquaint the Government with their Claims and the Price of Ompawmets Land and they would do what they thot fit The Indians Seemed Satisfied therewith and were willing to Wait the Determination of the Government

JOHN STODDARD  
ISRAEL WILLIAMS

Septem<sup>r</sup> 12. 1734

Read & in Answer to this Report

*Ordered* That the sum of One hundred and twenty pounds be Granted and paid out of the Publick Treasury to John Stoddard Esq<sup>r</sup> & Cap<sup>t</sup> Israel Williams, to be by them paid and delivered to Ompawmet Indian upon his Executing and delivering to them in due form of Law, in as open a manner and before as many Indian Witnesses as may be, a Deed of Conveyance of his Right & Title to the Lands Mentioned in this Report, belonging to him & lying on each side of Connectieutt River; the Father and Mother of Ompawmet to Join with him in the said Conveyance if they be alive and can conveniently be had at the Truckhouse, when the Deed is Executed; The Deed to be made to Jeremiah Allen Esq<sup>r</sup> present Treasurer of the Province of the Massachusetts Bay & his Successors in the said Trust, for the use and benefit of the Province; And that the further sum of One hundred and fifty pounds be Granted and paid out of the Publick Treasury to the said Com<sup>tee</sup> to be by them used and Disposed of in the Most prudent Method they can to Francois Wamshaws Squaw and the other Indian Squaw mentioned in the Report, or to Either of them in proportion According to their Interest Right & Title in the Respective parcells of Land within mentioned, Upon their or Either of their Executing a Good Deed of Conveyance of their Respective Interest, in Open Manner as aforesaid, in due form of Law to Jeremiah Allen Esq<sup>r</sup> present Treasurer of the Province & his Successors in said Trust to and for the use & benefit of the Province as aforesaid The Com<sup>tee</sup> to make Report of their doings herein. [*Passed December 2.*]

## CHAPTER 117.

### VOTE APPOINTING COMMISSIONERS TO SETTLE THE BOUNDARY LINE BETWEEN MASSACHUSETTS AND NEW YORK.

In Council

*Voted* That William Dudley and Jacob Wendell Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>a</sup> shall join be Commissioners on the part of this Governm<sup>t</sup> to Agree on and Settle the Boundary between this Province and the Colony of New York Agreeable to the Vote of this Court passed on Wednesday last.

In the House of Represent<sup>a</sup> Read & Concurr'd and John Stoddard John Chandler and John Wainwright Esq<sup>rs</sup> are Joined in the Affair. [*Passed December 3.*]

Legislative  
Records of the  
Council, xvi.,  
73.

House Jour-  
nal, p. 99.  
*Ante*, p. 55,  
chap. 110.

## CHAPTER 118.

ORDER ALLOWING THE ACCO<sup>t</sup> OF THE C<sup>o</sup> TREASURER OF BARNSTABLE.

Legislative  
Records of the  
Council, xvi.,  
73.  
House Jour-  
nal, p. 98.

AN ACCO<sup>mt</sup> presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable for the Year 1733 having been laid before the Court of General Sessions of the Peace for the said County and by them Allowed.

Read & Accepted &

*Ordered* that the Acco<sup>mt</sup> be Allow'd. [*Passed December 3.*]

## CHAPTER 119.

ORDER IMPOWERING JOS. KELLOG TO INCREASE HIS CHARGE FOR BILLETING SOLDIERS AT FORT DUMMER.

Legislative  
Records of the  
Council, xvi.,  
73.  
House Jour-  
nal, p. 95.

A PETITION of Cap<sup>t</sup> Joseph Kellog Commander of the fort above Northfield Setting forth that the price of provisions is so much Raised that the Garrison there cannot be Subsisted According to the last Establishment without Great loss to the Pet<sup>r</sup> And therefore praying that he may be Allowed Seven shillings a man *p* week on his Victualling Acco<sup>mt</sup> last given in and Eight Shillings a week *p* Man on his next Victualling Acco<sup>mt</sup>

Read &

*Ordered* that the prayer of the petition be Granted. and the pet<sup>r</sup> is hereby Allowed and Impowred to Charge in his last Billeting Acco<sup>mt</sup> Seven shillings *p* week & his next Eight shillings *p* week Accordingly. [*Passed December 3.*]

## CHAPTER 120.

ORDER CONFIRMING A PLAT OF LAND OF 6 MILES SQUARE FOR SUFFIELD & 300 ACRES TO CHRIST<sup>o</sup> JAC. LAWTON.

Legislative  
Records of the  
Council, xvi.,  
75.  
Maps and  
Plans, Mis.,  
viii., 21. House  
Journal, pp. 98,  
99. Province  
Laws, xi., 684,  
chap. 83; 696,  
chap. 111.

A PLAT of Six Miles Square of Land Granted by the General Court to the Proprietors of the Common and Undivided Lands in Suffield in consideration of the Lands taken off from Suffield in Runing the line on Connecticut Colony, In which is Contained a Grant of three hundred Acres of Land Granted to Christop<sup>r</sup> Jacob Lawton in December 1732 laid out by John Ashley jun<sup>r</sup> Surveyor and Chain men on Oath lying between Sheffield and Westfield; being bounded as follows, viz<sup>t</sup> Beginning at a Black Birch Marked with Stones about it being the Southeast Corner and is near a Small brook that Runs into Westfield River, and on the West side of a Steep Round Mountain; from thence Runing West 20 deg north One Thousand Nine hundred & forty five Rods, to a Maple tree Marked; thence North 20 deg. East Nineteen hundred & twenty Rods, to a Beach tree mark'd, with Stones about it; from thence East 20 deg South One Thousand Nine hundred & forty five Rods, to a Yellow pine tree Mark'd, with Stones about it, from thence Runing South 20 Deg. West One Thousand Nine hundred & twenty Rods to the bounds first mentioned.

Read &

*Ordered* that this Plat be Accepted and that the Lands therein



Delineated & described so far as the Extent of the Contents of Six Miles Square be and hereby are Confirmed to the Commoners and proprietors of the Common and Undivided Lands in the Town of Sutfield and their Respective Assignes forever they observing and performing the Conditions of the Grant And that the Farm of the Contents of Three hundred Acres of Land included in the within Plat be and hereby is Confirm'd unto the said Christ<sup>o</sup> Jacob Lawton his heirs and assignes forever, to Satisfy a Grant of this Court of the 8<sup>th</sup> of Decem<sup>r</sup> 1732, Made to the said Lawton Provided the said Lawton or his Assigns fulfill the Conditions of the said Grant,<sup>1</sup> provided Also that the plat Contains no more than the quantity of Six Miles, Square & three hundred Acres of Land and does not Interfere with any former Grant. [*Passed December 4.*]

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## CHAPTER 121.

### ORDER IMPOWERING ZACH<sup>h</sup> FIELD TO SURVEY AND LAY OUT 800 ACRES OF LAND.

WILLIAM DUDLEY Esq<sup>r</sup> from a Com<sup>tee</sup> of this Court gave in their Report on the petition of Zach<sup>h</sup> Field [Province Laws, xi., 704, chap. 130]

Read &

*Ordered* that the Report be Accepted and for as much as the purchase made of the Indian proprietors of the Land at Paquoig on each side of Millers River by advice of this Government and which the Memorialist by his petition hath now Surrendred unto them has been of Great Service and as the Memorialist has been at Great Charge & much Trouble Therefore

*Voted* that Eight hundred Acres of the Lands purchased as aforesaid be granted unto the said Zecheriah Field his Heirs & Assigns; and that he have Liberty by a surveyor and Chain Men on Oath to survey & lay out the same in one or two pieces, & adjoining to the township at paquoig returning a plat or plats thereof within twelve Months to this Court for Confirmation. [*Passed December 4.*]

Legislative  
Records of the  
Council, xvi.,  
75. Mass.  
Archives,  
xvi., 57.

Legislative  
Records of the  
Council, xvii.,  
Mis., 435.  
House Jour-  
nal, p. 61.  
Province  
Laws, xi., 704,  
chap. 130.

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## CHAPTER 122.

### ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND TO ROBT RAND.

A PLAT of One Thousand Acres of Land laid out by Samuel Danforth Esq<sup>r</sup> and Chain men on Oath to fulfill a Grant made by this Court to Robert Rand lying on each side of Merrimack River beginning at a Great White Oak tree marked R Standing on the side of the said River and a little to the Northward of little Cohass Brook Thence Runing upon Merrimack River five hundred and Eighty Six poles to a great white Oak tree Mark'd R being the North west Corner thence Runing Eastward two hundred and twenty three poles to a pine tree marked R which is the Northeast Corner thence Southward five hundred & Eighty poles to a pine tree mark'd R which is the South east Corner thence to the bounds first mentioned

Read &

Legislative  
Records of the  
Council, xvi.,  
76.

Maps and  
Plans, Mis.,  
viii., 35 *ter*.  
House Jour-  
nal, pp. 67, 100,  
103. Province  
Laws, xi., 795,  
chap. 219.

<sup>1</sup> The clause "Provided the said Lawton or his Assigns fulfill the Conditions of the said Grant," is not found in the Secretary's copy, Legislative Records of the Council, but it appears in the State Library copy, Legislative Records of the Council, xvi., 75.



*Ordered* that the plat be Accepted and the Lands therein Delineated & Described be and hereby are Confirmed to the said Robert Rand his heirs and Assignes forever in Satisfaction of the Grant within mentioned PROVIDED it Exceeds not the quantity of One Thousand Acres of Land and does not Interfere with any former Grant PROVIDED also that this Grant shall no Ways affect the privilege of Fishing in Great Cohass River but the same shall Remain in Common to all his Majestys Subjects of this Province as heretofore and no Obstruction shall be given to the passage of the Fish up<sup>d</sup> and down the said River. [*Passed December 5.*]

## CHAPTER 123.

VOTE GRANTING FURTHER TIME TO SAMUEL THAXTER & OTHERS TO SURVEY AND LAY OUT 1,200 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
77.

House Jour-  
nal, p. 104.  
Province  
Laws, xi., 788,  
chap. 200.

*Voted* That twelve Months time more be allowed to Samuel Thaxter Esq<sup>r</sup> & others to Survey a plat of four hundred Acres of Land to each of them to Satisfy a Grant of this Court of the first of March last of Twelve hundred Acres: The Surveyor on whom they Depended to plat said Grant being otherwise Detained in the Publick Service. [*Passed December 6.*]

## CHAPTER 124.

ORDER IMPOWERING THE SECR<sup>y</sup> TO MAKE DUPLICATE RECORDS.

Legislative  
Records of the  
Council, xvi.,  
77.

House Jour-  
nal, p. 104.  
Province  
Laws, xi., 697,  
chap. 338.

A MEMORIAL of Josiah Willard Esq<sup>r</sup> Secretary of this Province Setting forth that he has pursuant to the order of this Court brought up the Duplicate of the Records of the General Assembly unto the End of the Session held in Novem<sup>r</sup> 1725 and now Waits for the further order of this Court Referring to what Remains to be prepared of the said Duplicates

Read &

*Ordered* that M<sup>r</sup> Sec<sup>y</sup> Willard be & hereby is impowred and Directed to make out a Duplicate of the Records of this Court up to the End of this Session, to be Lodged with the other Duplicates. [*Passed December 6.*]

## CHAPTER 125.

ORDER IMPOWERING THO<sup>s</sup> & CHARLES CHURCH ESQ<sup>RS</sup> TO SURVEY AND LAY OUT 600 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
78.

House Jour-  
nal, p. 105.  
Province  
Laws, xi., 677,  
chap. 67.

A PETITION of Thomas Church and Charles Church Esq<sup>rs</sup> Shewing That whereas this Court were pleased to Grant Five hundred Acres of Land to the Heirs of Benjamin Church Esq<sup>r</sup> their father the Pet<sup>rs</sup> Surveyed a Piece of Land of that quantity and Returned a Plat but the Court were pleased not to Allow of it because it might prejudice a New town And praying that they may be Allow'd One hundred acres more in consideration of their Extraordinary Charge and Trouble and that they may take it up in two Different places & Return two plats thereof.

Read & in answer to this petition

*Ordered* that the pet<sup>rs</sup> be allowed and Impowred by a Surveyor and

Chain men on Oath to Survey and lay out the Quantity of Six hundred Acres of the Unappropriated Lands of the Province to be taken in two parts or parcells of the Contents of three hundred Acres each both Plats to be laid out Adjoyning to some Township or former Grant and that the Petitioners Return plats thereof to this Court within twelve Months for Confirmation That is to say five hundred Acres to the heirs of Benjamin Church Esq<sup>r</sup> deced and the Remaining One hundred Acres to the Petitioners their heirs & assigns Respectively. [*Passed December 6.*]

## CHAPTER 126.

### ORDER ON PETITION OF ROGER & BENJ<sup>A</sup> CARERY IN REGARD TO SUBSTITUTED SERVICE AND GRANTING STAY OF EXECUTION.

A PETITION of Roger and Benjamin Carery Shewing That upon their former petition this Court were pleased to order that if the petit<sup>r</sup> should put the Bond of David Hayward in Suit Against him at the Inferiour Court of Comon pleas for the County of Suffolk held at Boston in October last, their Serving an Original Summons on John Read Esq<sup>r</sup> should be Deemed a Good Service but so it was that the pet<sup>rs</sup> Attorney Mistaking the Intent of the said Order drew a Writ directed to the said John Read by which Mistake they have lost the benefit of the order of this Court; praying that the said Order may be Repealed so as to Answer for the Court in January next and that the said Haywards Execution Against the Pet<sup>rs</sup> may be staid in the meantime

Read &

*Ordered* that the prayer of the petition be Granted & that if the pet<sup>rs</sup> shall put the Bond Entered into by the above named David Hayward in Suit against him their taking out an Original Summons on their said Bond against the said David Hayward & Reading the same to John Read Esq<sup>r</sup> as attorney to the said Hayward or leaving an Attested Copy with him shall be Deemed a Good Service to all Intents and purposes whatsoever and that the Execution on the Judgment Obtained by the said Hayward be Respited till the Event of the Pet<sup>rs</sup> Action Provided they prosecute the same with Effect at the Inferiour Court of Common pleas to be holden at Boston for the County of Suffolk on the first Tuesday of January next. [*Passed December 6.*]

Legislative  
Records of the  
Council, xvi.,  
79.

House Jour-  
nal, p. 105.  
*Ante*, p. 23,  
chap. 39.

## CHAPTER 127.

### ORDER ON THE PETITION OF THE SELECT MEN OF BRIDGWATER IN REGARD TO A PAUPER.

A PETITION of the Select men of Bridgwater Shewing that about four Years Agoe One Jeremiah Jones Feltmaker who was born in Reading in Great Britain Came into this Province and about the 24<sup>th</sup> of August last being at Pembrook he fell into a Kettle of Boiling Liquor and Sealded himself so that he has lost the use of his Right hand that he was Carried to Cap<sup>t</sup> Jonathan Basses House in Bridgwater to be Under the Cure of D<sup>r</sup> Byram; that Since his Cure the Select men have Warned him out of Town, yet he is not Removed, and he being Still a Cripple; Therefore praying That he may be Supported at the Province Charge & that the Town of Bridgwater may be Reimbursed the Expences they have been at for him

Legislative  
Records of the  
Council, xvi.,  
51, 80.

House Jour-  
nal, pp. 39, 63,  
61.

Read &

*Ordered* That the said Jeremiah Jones be henceforward Supported at the Charge of the Province and that the Town of Bridgewater be Reimbursed the Charge they have been at for the Support of the said Jones hitherto and that the said Selectmen be Directed to Remove the said Jones to the Work house in Boston there to be Employed in such Work as he is Capable of performing and Supported at the Publick Charge Untill he shall Desire to Return to his Friends in England. [*Passed December 7.*<sup>1</sup>

## CHAPTER 128.

### ORDER RELATING TO THE DISTRIBUTION OF TAXES IN THE TOWN OF RUMFORD.

Legislative  
Records of the  
Council, xvi.,  
80.

House Jour-  
nal, pp. 106, 107.

A PETITION of Henry Rolfe and Ebenezer Eastman Agents for the Town of Rumford Shewing that the said Town are under Difficultys for Raising money for Building their Meeting house and Settling & Supporting their Minister because divers of the Proprietors have made but little Improvement on their Rights Therefore praying That the Assessors of the said Town May be Enabled to assess three Quarters of all Town Charges that have Arisen and shall Arise in said Town on the Home lotts Rights and after Divisions thereto belonging in Equal proportion and the other Quarter on Polls for so long a time as to this Court shall Seem most just and Reasonable

Read &

*Ordered* that the prayer of the petition be Granted And the Assessors of the said Town of Rumford are hereby Allowed to Levy and assess three quarter parts of all the Charges that have Arisen or shall arise on the Proprietors Homelots Rights and after Divisions in Equal proportion and the said Lands are hereby Subjected to the payment of the said Tax Accordingly and the Polls & Inhabitants of said Town are hereby Subjected to pay the Remaining Quarter part of the said Tax and the Constables or Collectors of said Town are Impowred and Required to Collect and pay the same According to the Precepts of the Warrants that shall [be]<sup>2</sup> from time to time committed to them and this Order of Court to be in force for five years next coming. [*Passed December 7.*

## CHAPTER 129.

### ORDER IMPOWERING THE COMMITTEE TO LOCATE THE MEETING HOUSE AT THE DEDHAM SOUTH PRECINCT.

Legislative  
Records of the  
Council, xvi.,  
80.

Legislative  
Records of the  
Council, xvi.,  
41. House  
Journal, p. 196.  
Province  
Laws, xi., 765,  
chap. 144.

A PETITION of William Everet and Ebenezer Healey a Com<sup>tee</sup> for the South Precinct in Dedham Shewing that by a former order of this Court a Committee were appointed to take under consideration the Setting back Some persons to the other precinct in Dedham and the Time Allowed for the Precinct to agree on their Building their Meeting house on the Common Lands being Extended to the fifteenth of June last. after which & no Agreem<sup>t</sup> made the said persons with their Estates might Return to the old precinct and that time being now Expired and no Agreement

<sup>1</sup> Concurrence in this order is entered also of date September 12 (Legislative Records of the Council, xvi., 51); but the true date is probably the one here given. See Preface to vol. ix., Province Laws.

<sup>2</sup> Inserted from State Library copy, Legislative Records of the Council, xvi., 80.

made for building the Meeting house on the Common Lands Therefore praying That the Committee of this Court may be now directed to proceed to State a Suitable place for Erecting a Meeting house on said Precinct. *Ante*, p. 26, chap. 48.  
*Infra*, chap. 130.

Read &

*Ordered* that the Prayer of the petition be Granted and that the Com<sup>tee</sup> of this Court within mentioned proceed in the Affair petitioned for Accordingly.<sup>1</sup> [*Passed December 7.*]

## CHAPTER 130.

### ORDER REFERRING THE 2<sup>D</sup> PETITION OF THE S<sup>O</sup> PRECINCT IN DEDHAM TO THE COMMITTEE.

A PETITION of William Bullard and Ebenezer Dean a Com<sup>tee</sup> for the South Precinct in Dedham, Shewing That whereas by an Order of this Court a Number of the Inhabitants of the said Precinct with their Estates were laid to the first precinct in said Town, where they Originally belonged, part of the Estates of the said Inhabitants lies in that part of the precinct which was taken off from the Town of Stoughton And therefore praying that this Court would Explain their said Order and Declare that the Lands taken off from Stoughton shall Remain as part of the South precinct in Dedham. *Legislative Records of the Council*, xvi., 81.  
*House Journal*, p. 76.  
*Supra*, chap. 129.

Read & Committed to the Committee for placing the Meeting house in the South precinct in Dedham. [*Passed December 7.*]

## CHAPTER 131.

### ORDER OF NOTICE ON THE PETITION OF DIVERS INHABITANTS OF DIGHTON & TAUNTON TO BE ERECTED INTO A TOWNSHIP.

A PETITION of Divers Inhabitants of Dighton lying on the East Side of Dighton River and Inhabitants of the Southerly part of Taunton Setting forth their inconvenient Situation for attending the Publick Worship of God in the places to which they Respectively belong and their Convenient Situation for forming a Seperate Town. And therefore praying that they may be set off from their Respective Towns and precincts, and that they may be Constituted a Township by the bounds set forth particularly in their petition *Legislative Records of the Council*, xvi., 81.  
*House Journal*, pp. 105, 106.

Read &

*Ordered* that the Petit<sup>rs</sup> Serve the Towns of Taunton and Dighton with Copys of this petition that they shew Cause if any they have on the first Tuesday of the next Sitting of this Court why the prayer thereof should not be Granted and that the petition be Refer'd in the mean time Accordingly. [*Passed December 9.*]

<sup>1</sup> There is a mistake in both copies of Legislative Records of the Council (which does not here appear) in stating that action was first taken on the order in the House of Representatives. The House Journal shows that the Council first acted.

## CHAPTER 132.

## ORDER OF NOTICE ON JOSEPH EPHRAIMS PETITION FOR LANDS AT HASSANIMISCO.

Legislative  
Records of the  
Council, xvi.,  
81.

House Jour-  
nal, p. 113.  
*Ante*, p. 25,  
chap. 47.

ON THE PETITION of Joseph Ephraim [*ante*, p. 25, chap. 47]

Read &

*Ordered* That the Pet<sup>r</sup> Serve the Trustees of Indian Proprietors of Hassanimisco with a Copy of this petition that so they Answer thereto as soon as may be. [*Passed December 10.*]

## CHAPTER 133.

ORDER IMPOWERING NATH<sup>L</sup> COOCHUCK INDIAN TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
82.

House Jour-  
nal, pp. 106, 109.  
Province  
Laws, xi., 365,  
chap. 191.

A PETITION of Nath<sup>l</sup> Coochuck of Natick Indian Shewing, That, whereas this Court were pleased to Grant him Liberty to sell a peice of Land in Natick for paying his Debts, and Building a Dwelling house, he has Disposed of the said land Accordingly; And for as much as his wife has Considerable lands in Natick and no Children to Inherit it and is Willing to sell a Lott of Thirty Acres on which the Pet<sup>r</sup> cannot make any Improvement Therefore praying for Liberty to the pet<sup>r</sup> and his wife to Sell the said Thirty Acres of land in order to purchase Cattle and Implements of Husbandry with the produce thereof

Read &

*Ordered* that the prayer of the petition be Granted, and the Petitr<sup>s</sup> are Accordingly Allowed & Impowred to make Sale of the Thirty Acres of Land within mentioned for the Most the same will fetch, Giving at least thirty days notice in some publick place in said Plantation of Natick, as well as in the Town of Cambridge, the Shire Town of the County where the Lands lye, before the day of Sale, of the time & place thereof; And that Francis Fulham Esq<sup>r</sup> be desired and impowred to be Advising and assisting to the Pet<sup>rs</sup> in the Sale that so Justice may be done them therein and the proceeds thereof Applied to & for the purposes mentioned in the petition for the Greatest benefit and Advantage of the Pet<sup>rs</sup> and the Pet<sup>rs</sup> are further Impowred to Execute a Good Deed of Sale & Conveyance of the premisses in due form of Law Accordingly. [*Passed December 10.*]

## CHAPTER 134.

ORDER ALLOWING £16 TO EBEN<sup>R</sup> EASTMAN.

Legislative  
Records of the  
Council, xvi.,  
82.

House Jour-  
nal, pp. 111, 112.  
Province  
Laws, ii., 587,  
chap. 10.

A PETITION of Eben<sup>r</sup> Eastman of Rumford Shewing that there were Killed near said place before it was a Town four Grown wolves one of which had Seven Young ones in its Body That the Select men & Constables of said Town Apprehended that they had no Authority to proceed in the Affair according to the Directions of the Law, because the wolves were Killed before the Town was Constituted, that the Pet<sup>r</sup> has the heads of the said Wolves to shew and is Ready to make Oath According to Law; And therefore praying That the Court would



give order that he may Receive the Reward Allowed by Law for himself and others concerned.

Read &

*Ordered* That the sum of Sixteen pounds be Allowed and paid out of the Publick Treasury to Cap<sup>t</sup> Ebenezer Eastman being the Premium or Bounty by Law Allowed for Killing the said four Wolves. [*Passed December 10.*]

## CHAPTER 135.

ORDER OF NOTICE ON DELIVERANCE READS PETITION TO HAVE GRANT OF LAND CONFIRMED TO JOSHUA READ, IN PLACE OF JOSEPH READ.

A PETITION of Josiah Converse as Attorney to Deliverence Read Widow and Admin<sup>r</sup> of Joshua Reed late of Leicester deced Shewing That the said Joshua Read was a Voluntier under Cap<sup>t</sup> Lovell when he Killed the Ten Indians and that whereas this Court Granted a Tract of Land for a Township to the said Cap<sup>t</sup> Lovells & Cap<sup>t</sup> Whites Officers and Soldiers, those who had the Management of that affair, Either by Mistake or Design, laid out the Right belonging to the Heirs of the said Joshua Read, to One Joseph Read, altho there was no such person in Either of the said Compauns; Praying that the Heirs of the said Joshua Read may be Restored to their Right.

Read &

*Ordered* That the Pet<sup>r</sup> Serve the within named Joseph Read with a Copy of the petition that he shew Cause on the first Friday of the next Sitting of this Court why the prayer thereof should not be Granted and that the petition be Referr'd in the mean time Accordingly. [*Passed December 10.*]

## CHAPTER 136.

ORDER OF NOTICE ON THE PETITION OF THE HEIRS OF THOMAS PRINCE & FRANCIS COMBE FOR CONFIRMATION OF TITLE TO LANDS.

A PETITION of Cornelius Bennet and Lydia Miller for themselves and in behalf of other the heirs of Thomas Prince & Francis Combe late of Middleborough deced, Shewing that the said Prince & Combe purchased of the Indians a Tract of Land at a place Called Namassakett in the year 1668 that the General Court of Plymouth Colony Ordered that the Remainder of the said Land Undisposed of should be Enjoyed by the said Purchasers, Untill it be otherwise Disposed of by the Court, and that the persons to whom the same should be Granted should pay the said Combe and Prince the Charge of the Purchase; that Since that the original Deed and the Record thereof have been Casually burnt in two houses that were Consumed at Middleborough that Neither the purchasers nor their heirs have Reced any thing for their purchase; And therefore Praying That the Fee of the said Land may be Confirmed to the heirs of the said Prince and Combe and that a Com<sup>tee</sup> of this Court may be Appointed to lay out the said Lands by proper Meets and bounds at the Charge of the Pet<sup>rs</sup>

Read &

*Ordered* That the Pet<sup>r</sup> Serve the Town Clerk of Middleborough with a Copy of this Petition and Order and Cause the same to be posted up at the Publick Meeting house in Middleborô at or before the Twentieth

Legislative  
Records of the  
Council, xvi.,  
83.

House Jour-  
nal, pp. 139, 152  
(February,  
1733); p. 179  
(April, 1734);  
p. 109. Prov-  
ince Laws, xi.,  
355, chap. 160.

Legislative  
Records of the  
Council, xvi.,  
83.

House Jour-  
nal, pp. 112, 113.

day of January next<sup>1</sup> that so the Town or any person or proprietors may Give in their Reasons to this Court if any they have on the first Fryday of the next May Session why the prayer thereof should not be Granted. [*Passed December 10.*]

## CHAPTER 137.

### ORDER APPOINTING A COM<sup>TEE</sup> TO SEARCH FOR PLATS OF LAND.

Legislative  
Records of the  
Council, xvi.,  
84.

House Jour-  
nal, p. 112.

#### In Council

*Ordered* That John Jeffrys and Josiah Willard Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Representatives shall Appoint, be a Committee to Search all the Files in the Secretarys office for such Platts of Land as may be found therein and to dispose them in proper order and to take an Alphabetical list of the names of the Towns and particular persons to whom the Lands described in such Plats do belong that so this Court may have Recourse to the same upon all proper Occasions

In the House of Represent<sup>a</sup> Read & Concurr'd and Samuel Welles Elisha Cooke and John Wainwright Esq<sup>rs</sup> are Joined in the affair. [*Passed December 10.*]

## CHAPTER 138.

### ORD<sup>R</sup> IMPOWERING FRAMINGHAM ASSESSORS TO COLLECT TAXES.

Legislative  
Records of the  
Council, xvi.,  
62, 84.

House Jour-  
nal, p. 117.

A PETITION of Edward Goddard Esq<sup>r</sup> and others a Com<sup>tee</sup> for the Town of Framingham Shewing That the assessors for the said Town in the year 1729 having assessed a Tax on the Inhabitants ordered the same to be Collected by the Town Constables Amos Wait & Oliver Death, the last of whom Collected & paid in his part viz<sup>t</sup> £37. 10/ 7 but the other Constable (Amos Wait) has Neglected and Refused to pay in his part, being £31. 3. 6 Alledging that the List & Warrant for the said Assessment was never committed to him. for so it was that the Pet<sup>r</sup> Goddard Sent the said list and Warrant to the said Wait, Who Remembers and is Ready to Declare Upon Oath that he Delivered the List to him, but cannot be Certain as to the Warrant And therefore praying that the said Town of Framingham may be Directed and Impowred to Order the said Wait or Some other person to Collect and pay into the Treasury of the Town the Said Tax of £31. 3. 6.

Read together with the Answer of Amos Wait and the same being fully considered

*Ordered* that the prayer of the Petition be so far Granted as that the Assessors of the Town of Framingham for the Year 1729 or the Major part of them be and hereby are Impowred and ordered to Sign the List of Assessment herein Referr'd to and a Warrant thereon directed to One of the present Constables of the said Town for his Collecting the Respective Sums therein mentioned on the persons on whom they were assessed; as appears by the said List (to which Edward Goddard hath made Oath before one of his Majestys Justices of the Peace) and that the said Constable or Collector be Allowed by the said Town a Reasonable Satisfaction for his Trouble in the Said Collection. [*Passed December 11.*]

<sup>1</sup> The House Journal reads, “*December currant.*”

## CHAPTER 139.

## VOTE IMPOWERING JONATHAN BELCHER ESQ TO SURVEY AND LAY OUT IN TWO PLACES 1,000 ACRES OF LAND.

HIS EXCELLENCY Sent the following Message to both Houses viz<sup>t</sup>  
 Gentlemen In June 1732 you were pleased at my Desire to Confirm to me Five hundred Acres of Land (According to a Plat then presented) to be in full of a Grant formerly made me; but so it happens, that the said Land has been Claimed by the Town of Northfield which has put me to Considerable Charge in the Law and Judgment is finally made up in their favour: I therefore now desire you to Renew a Grant to me in Consideration of the Loss of the said Five hundred Acres and of the Charge and Trouble I have been at and that a Reasonable time may be Allowed for pitching the Grant you may make and that I may have Liberty to lay it out in two peices

Legislative  
Records of the  
Council, xvi.,  
85.

House Journal,  
p. 115.  
Province  
Laws, xi., 663,  
chap. 35.

J BELCHER

Read & In Answer to this Message

*Voted* That Liberty be and hereby is Given to his Excellency Jonathan Belcher Esq<sup>r</sup> Captain General and Governour in Chief of this Province by a Surveyor and Chain men on Oath to Survey and lay out in two peices one Thousand Acres of the Unappropriated Lands of the Province that he Return the Plats thereof to this Court within twelve Months for Confirmation to him his heirs and assigns forever.  
*[Passed December 11.]*

## CHAPTER 140.

## ORDER ANNEXING JOSEPH RICKARD &amp; OTHERS OF MIDDLEBORO TO THE SOUTH PRECINCT IN PLYMPTON.

A PETITION of Joseph Rickard and others Inhabitants of the Easterly part of the Town of Middleboro Shewing that the said Town Voted that the pet<sup>rs</sup> should be sett off to the Southerly part of the Town of Plympton in Case they should be made a precinct or a Town within the Space of three Years but for as much as the New precinct in Plimpton was not Constituted within that Space of time the Town of Middleborough would deprive the Pet<sup>rs</sup> of the benefit of that Vote & not allow them to be Sett off. And therefore praying that this Court would Interpose their Authority and order them to be Sett off to the South Precinct in Plympton According to the said Vote.

Legislative  
Records of the  
Council, xvi.,  
85.

House Journal,  
p. 116.  
*Ante*, p. 12,  
chap. 12.

Read &

*Ordered* that the prayer of the petition be Granted and that the petitioners and their Estates be and hereby are Annexed to the South Precinct in Plympton According to the Boundaries hereafter mentioned viz<sup>t</sup> begining at the Maple tree formerly marked in the off Set of the Town line on the Easterly Side of the Rocky meadow Brook about five poles from the Brook and from the said Maple Ranging South 84 Deg Westerly Ninety poles & an half to a heap of Stones about Six feet to the Northward of a Small Red oak & a White Oak Sappling, both Marked with three Marks one above another, Facing to it; and from thence Ranging North 4 Deg Westerly three Miles wanting thirty Eight poles to an heap of Stones by the Northerly Side of the highway that leads from Plymouth to Middleborough which heap of Stones is about Eighty poles distant from the Tree Commonly Called P Tree as the highway goeth and from said Heap of Stones the line to Extend on a Strait line

so as to Strike the Town line due East from Experience Beals house and from thence bounded by the Town line by the Map and tree<sup>1</sup> first mentioned Agreeable to a Vote passed by the Inhabitants of the Town of Middleborough on the third of January 173<sup>1</sup>/<sub>2</sub> Reserving always to the Town of Middleboro the Jurisdiction of the Saw Mill Already Set on the Brook Called Rocky Meadow Brook or any other Mill of any Sort that may hereafter be set up on said Brook within the Tract of Land before Described Agreeable to said Vote. [*Passed December 11.*]

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## CHAPTER 141.

### ORDER ALLOWING £26. 5 TO THE PROPRIETORS OF TOWNSHEND.

Legislative  
Records of the  
Council, xvi.,  
86. State  
Library copy,  
*ibid.*, xvi., 86.

House Jour-  
nal, p. 116.  
Province  
Laws, xi., 626,  
chap. 109.

A PETITION of the Agents of the Town of Townshend Shewing That Upon a Suggestion of the Town of Dunstable that the line of the North Town (now Townshend) Interfered with Dunstable line this Court were pleased to Order the Runing of the said lines Upon which it Appears that the line of the North Town took of from Dunstable about Eighty Acres which was Accordingly Restored to them that the Court were pleased to order that the North Town pay the Charge of Runing the said Line which has since been Recovered from them in the Law with Costs; And for as much as they made no Application for Runing the said line and the Grantees of Townshend paid a Considerable sum of money into the Publick Treasury for the purchase of their said Lands Therefore praying that they may be Exempted from paying the said Charge

Read &

*Ordered*<sup>2</sup> that the Prayer of the Petition be granted, & the sum of Twenty six Pounds five shillings be granted & paid out of the publick Treasury to the Petition<sup>rs</sup> William Lawrence & John Stevens for the use of Proprietors of Townshend accordingly. [*Passed December 12.*]

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## CHAPTER 142.

### ORDER ALLOWING £15 TO TIM<sup>o</sup> RICHARDSON.

Legislative  
Records of the  
Council, xvi.,  
87.

House Jour-  
nal, p. 120.  
Province  
Laws, xi., 93,  
chap. 246; 786,  
chap. 196.

A PETITION of Timothy Richardson, Shewing That whereas he was Greivously Wounded by the Indians at the fight at Pigwacket, so as to be Disabled from Supporting himself and his Family by his Labour, and has divers times Received Allowances from this Court; his Lameness and Disability Still Continues, And therefore praying that he may have an Annual Pension out of the Publick Treasury or be otherwise Relieved as this Court shall Judge Meet

Read & in Answer to this petition

*Ordered* that the sum of Fifteen pounds be Granted and paid out of the Publick Treasury to the Pet<sup>r</sup> in consideration of his Smart and Misfortunes by Reason of the Wounds within mentioned. [*Passed December 13.*]

<sup>1</sup> "Maple Tree," in State Library copy, Legislative Records of the Council, xvi., 85.

<sup>2</sup> The order, omitted in the Secretary's copy, has been taken from the State Library copy, Legislative Records of the Council, xvi., 86.



## CHAPTER 143.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR  
OF THE SOUTH PRECINCT IN DEDHAM.

SAMUEL THAXTER Esq<sup>r</sup> from the Com<sup>tee</sup> on the petition of William Bullard and Eben<sup>r</sup> Dean [*ante*, p. 65, chap. 130] gave in the following Report viz<sup>t</sup>

Legislative  
Records of the  
Council, xvi.,  
87.

The Committee having Considered the within petition are of Opinion That the Meadow land and all other lands lying in the South precinct & which is in that part thereof which was and now is Stoughton be liable to pay their just proportion of all precinct Rates althô the owners of those Lands live in and may be Inhabitants of Dedham

House Jour-  
nal, p. 120.  
*Ante*, p. 65,  
chap. 130.

In the name and by Order of the Committee SAMUEL THAXTER  
Read &

*Ordered* that this Report be Accepted. [*Passed December 13.*]

## CHAPTER 144.

RESOLVE ON PETER BRETONS PETITION TO BE RELEASED FROM  
PRISON.

A PETITION of Peter Briton of Boston Feltmaker Shewing That he is Imprisoned in the Goal in said Town upon Execution at the Suit of the Province and Town Treasurers and hath taken the Oath Appointed by Law for poor prisoners but cannot Receive the benefit of said Oath because the Prison keeper is Uncertain whither his Case (being a Debtor to the Publick) can come within the Extent of that Law that Since the Pet<sup>r</sup>s taking the Oath abovesaid he has been Served with another Execution; Upon which the Keeper is Uncertain whether the Pet<sup>r</sup> is obliged by Law to take the oath over again, praying for the order of this Court to the Prison keeper to Release the petitioner

Legislative  
Records of the  
Council, xvi.,  
89.

House Jour-  
nal, pp. 97, 115.  
Province  
Laws, ii., 656,  
chap. 7; 668,  
note.

Read &

*Resolved* that the Pet<sup>r</sup> ought to take the same Steps for a Discharge from his Confinement or Continuance in Goal upon an Execution at Samuel Carys Suit which he should have done if he had not taken the Method directed by Law for poor prisoners for Debt upon any other Execution. [*Passed December 14.*]

## CHAPTER 145.

## ORDER GRANTING A TOWNSHIP TO INHABITANTS OF MARBLEHEAD.

A PETITION of Abraham Howard & Joseph Blaney Esq<sup>rs</sup> Represent<sup>a</sup> of the Town of Marblehead Shewing that the said Town is of very Small Extent and the Inhabitants more Numerous than in most Towns in the Province So that they are much Strained in their Accommodations; And therefore praying for a Tract of Land for a Township for such persons belonging to the said Town of Marblehead as will Settle thereon

Legislative  
Records of the  
Council, xvi.,  
89.

House Jour-  
nal, pp. 114, 115,  
122, 123. Prov-  
ince Laws,  
xi., 770, chap.  
155.

In the House of Represent<sup>a</sup> Read &

*Voted* That there be and hereby is Granted a Tract of Land of the



Contents of Six Miles Square lying Eastward & Adjoyning to the Township lately laid out to the Narranganset Grantees on the back of Falmouth in the County of York; And That John Wheelwright<sup>1</sup> Esq<sup>r</sup> Cap<sup>t</sup> John Hobson and Daniel Epes Esq<sup>rs</sup> with Such as the Hon<sup>ble</sup> Board shall appoint be a Committee fully Authorized to Admit Sixty Inhabitants belonging to the Town of Marblehead, that are most likely to Settle and bring forward a New Plantation, and that most need a Grant of Land; the Committee to lay out the said Township as also the first Division of Home lotts in as Defensible a manner as Conveniently may be; the Number of Lotts to be Sixty three and to draw future Divisions in Equal proportions, three of the aforesaid Lotts or Rights to be Disposed of, One to the first Settled Minister, One for the Ministry and the other for the use of the School; The Grants to be Confirmed upon the Grantees fulfilling the following Conditions; and for that purpose that the Com<sup>tee</sup> take a Bond of Twenty five pounds each for the performance thereof viz<sup>t</sup> That they be upon the Spot and have an house of Eighteen feet Square and Seven feet Stud at least to each Right Seven Acres of Land brought to English Grass & fitted for mowing That they Settle a Learned Orthodox Minister, and Build a Convenient Meeting house for the Publick Worship of God, within five Years after their Admission; And that each Grantee pay the said Committee Five pounds upon their Admission; which shall be used for defreying the Charge of the Survey the Remainder to be Improved for the Publick benefit of the Plant<sup>s</sup> And upon failure of performance the Right of such as fail to Revert to the Province as if no such Grant had been made In Council Read and Concurr'd and William Dudley & Ebenezer Burrill Esq<sup>s</sup> are Joined in the affair. [*Passed December 17.*]

## CHAPTER 146.

### ORDER IMPOWERING JOHN STODDARD ESQ<sup>R</sup> TO SURVEY AND LAY OUT 1,000 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
100.

House Jour-  
nal, pp. 120, 121.

A PETITION of John Stoddard Esq<sup>r</sup> Setting forth his Great Service to the Province in divers Journeys to Canada Albany and the Eastern parts, upon the Publick affairs, his Serving in the war with Good Success, his Transactions with the Canada Indians and other Western Indians, and his Entertaining of them at his house without any Expence to the Province Praying for a Consideration from this Court for the same Read & In Answer to this petition

*Ordered* That the Pet<sup>r</sup> have leave by a Surveyor & Chain men upon Oath to Survey & lay out one Thousand Acres of the Unappropriated Lands of the Province in the County of Hampshire in some Convenient place and that he Return a plat thereof to the Court within twelve Months for Confirmation to him his heirs & assignes forever in Consideration of his Great Services and Sufferings in & for the Publick. [*Passed December 17.*]

<sup>1</sup> "Wheelwright," in Secretary's copy, Legislative Records of the Council, but in the State Library copy, *ibid.*, xvi., 90, and in the House Journal, p. 122, the name is "Wainwright."

## CHAPTER 147.

## ORDER IMPOWERING ROBT &amp; JOSI CONVERSE TO SURVEY AND LAY OUT 400 ACRES OF LAND.

A PETITION of Robert Converse & Josiah Converse, Sons of Major James Converse late of Woburn Dec<sup>d</sup> Setting forth the great Service of their Father in the Wars against the Indian Enemy, & the Hardships & Losses he suffered thereby & Praying for a Grant of Four hundred Acres of unappropriated Lands lying between Lancaster new Grant Rutland & the Wachuset Hills.

Legislative  
Records of the  
Council, xvi.,  
521; xvi., 91.

House Jour-  
nal, pp. 137, 138  
(April, 1733);  
p. 111.

*Ordered* That the Pe[tition] be Revived and In Answer thereto

*Voted* That the Pet<sup>rs</sup> be and hereby are allowed and Impowred by a Survey<sup>r</sup> and Chainmen on Oath to Survey and lay out Four hundred Acres of the Unappropriated Lands of the Province and Return a plat thereof to this Court within twelve months for Confirmation, on condition that the Pet<sup>rs</sup> their heirs or assignes do within five Years Settle two Familys on the Granted premisses, each of Which to have a house of Eighteen feet Square, and Seven feet Stud, at the least, and four Acres each brought to & plowed or Stocked with English Grass and fitted for mowing, and that the Lands be laid out Adjacent to some Township. [*Passed December 17.*]

## CHAPTER 148.

## ORDER IMPOWERING THE HEIRS OF MAJOR PETER BULKLEY TO SURVEY AND LAY OUT 1,000 ACRES OF LAND.

A PETITION of Joseph Bulkley & Rebecca Whiting Children & heirs of Major Peter Bulkley dec<sup>d</sup> Shewing That the General Court of the late Colony of the Massachusetts Bay were pleased in the Year 1683 to make a Grant to the said Peter Bulkley of One Thousand Acres of Land as a Gratuity for his Good Services which Grant was never taken up; the said Major Bulkley dying soon after, and the Pet<sup>rs</sup> being in their Minority and not knowing any thing of the said Grant 'till very lately; And therefore praying That they may be now allowed to lay out the same

Legislative  
Records of the  
Council, xvi.,  
91.

House Jour-  
nal, p. 100.

Read &

*Ordered* that the prayer of the Petition be Granted, & the Pet<sup>rs</sup> are accordingly Allowed & Impowred, by a Survey<sup>r</sup> & Chainmen on Oath, to Survey and lay out One Thousand Acres of the Unappropriated Lands of the Province in some Convenient place, where it may not prejudice the Settlement of a New Plantation, and that they Return a plat thereof to this Court within twelve Months for Confirmation, to them their heirs and assignes Respectively; provided the aforesaid Grant has not been Satisfied heretofore. [*Passed December 17.*]

## CHAPTER 149.

ORDER IMPOWERING COL<sup>o</sup> RICHARD KENT TO SURVEY AND LAY OUT  
300 ACRES OF LAND.Legislative  
Records of the  
Council, xvi.,  
91.House Jour-  
nal, p. 168.

A PETITION of Col<sup>o</sup> Richard Kent, Setting forth his Services in a former Indian War under Col<sup>o</sup> Hilton that a Considerable Number of Indians were then Killed that the petitioner Advanced Several Sums for the Encouragement of His Company by which he has lost above Seventy pounds that the Petitioners Uncle John Hobbs (to whom he is sole Heir) was Slain in the Narraganset War for which no Consideration has been made in the Grant to the Narraganset Soldiers; Praying for a Grant of Land in Satisfaction for the Service and Losses aforesaid

Read & in Answer to this petition

*Ordered* that the Pet<sup>r</sup> have leave by a Survey<sup>r</sup> and Chainmen on Oath to Survey and lay out Three hundred Acres of the Unappropriated Land of this Province Adjoining to some Township in full for the Services within mentioned, as well his own as the Right and Gratuity of the said John Hobbs who was Killed in the Narraganset War, and Return a plat thereof to this Court within twelve Months for Confirmation. [*Passed December 17.*]

## CHAPTER 150.

ORDER IMPOWERING W<sup>m</sup> LUND TO SURVEY AND LAY OUT 400 ACRES  
OF LAND.Legislative  
Records of the  
Council, xvi.,  
92.House Jour-  
nal, pp. 163, 164.

A PETITION of William Lund Shewing that in the Year 1724, being in the Service of the Province he was taken by the Indian Enemy and Carried into Captivity where he Suffered Great hardships and was obliged to pay a Great price for his Ransom and his Estate was much hurt & deminished in his Absence; Therefore praying for some allowance from this Court, in Consideration of his Losses & Sufferrings.

Read & in Answer to this petition,

*Ordered* that the pet<sup>r</sup> have leave by a Surveyor & Chainmen on Oath to Survey and lay out four hundred Acres of the Unappropriated Lands of the Province on the Westerly side of Merrimack River, Adjoining to One of the Narraganset Towns and Return a Plat thereof to this Court within Twelve months for Confirmation to the Pet<sup>r</sup> his heirs and assigns forever, on Condition that the Pet<sup>r</sup> his heirs or Assignes bring forward the Settlement of two familys on the Granted premisses in all Respects as to Manner and time that the Narragansett Grantees or Familys are obliged to Settle their Grants. [*Passed December 17.*]

## CHAPTER 151.

ORDER IMPOWERING ELEAZER WARD TO SURVEY AND LAY OUT 150  
ACRES OF LAND.Legislative  
Records of the  
Council, xvi.,  
92.

A PETITION of Eleazer Ward of Newton Shewing That he served for many years in the Wars Against the Indian Enemy as also in the Expedition Against the French at Port Royall that the pet<sup>r</sup> Received a

wound which Occasioned great Expence and loss of time, and is now grown Old, and much disabled by his hardships, and has three sons and no land to Settle them on; Therefore praying for a Grant of Some of the Unappropriated Lands of the Province.

Read and in Answer to this petition,

*Ordered* That the Pet<sup>r</sup> have leave by a Surveyor and Chainmen on Oath to Survey and lay out One hundred and fifty Acres of the Unappropriated Lands of the Province Adjoyning to Some Township or former Grant and Return a plat thereof to this Court within twelve Months for Confirmation, on Condition the petitioner his heirs or assigns do within three years Settle a Family on the Granted Land build and finish a House there of Eighteen feet Square and Seven feet Stud at the least and also break up and bring to five Acres of English Grass and well inclose the same. [*Passed December 17.*]

House Journal, p. 113.

## CHAPTER 152.

ORDER IMPOWERING THE HEIRS OF CAP<sup>T</sup> NOAH WISWALL AND OTHERS TO SURVEY AND LAY OUT 1,500 ACRES OF LAND.

A PETITION of Ebenezer Flagg in behalf of the heirs of Cap<sup>t</sup> Noah Wiswall Lieut Gershom Flagg and Ensign Edw<sup>d</sup> Walker, Shewing that they together with four Other English men, and a Number of Friend Indians, went on a March Against the Indian Enemy, and Engaged a Superiour Number of them at a place Called Lamprey River and destroyed many of the Enemy; and the said Officers all Lost their lives in the said Action; And therefore praying for a Grant of the Unappropriated Lands of the Province as a Reward of the Services of the said officers and Soldiers

Legislative Records of the Council, xvi., 93.

House Journal, pp. 121, 122.

Read and

*Ordered* that the prayer of the Petition be Granted, and

*Voted* that there be and hereby is Granted Fifteen hundred Acres of the Unappropriated Lands of the Province, lying between the Towns of Lunenburg and Rutland Eastward of the Wachusett Hills, to be divided to and Among the officers and Soldiers Engaged in the Fight at Lamprey [River],<sup>1</sup> & to such as are allowed to Represent those that are dead viz<sup>t</sup> the Represent<sup>a</sup> of Cap<sup>t</sup> Wiswall Four hundred Acres to the Represent<sup>a</sup> of Lieut Gershom Flagg, Three hundred Acres to the Represent<sup>a</sup> of Ensign Edw<sup>d</sup> Walker, Two hundred Acres; & to Samuel Lock, Samuel Baker, William Bruce, & Benj<sup>a</sup> Baldwin, each or to the Represent<sup>a</sup> of each of Such as are dead One hundred & fifty acres And that but One Represent<sup>a</sup> be Admitted of such as are Dead Preference to be given to the Eldest son Surviving of those that are deced<sup>d</sup>; And in Case there be no Son living then to the Eldest Male descended from such officer and sold[i]er<sup>1</sup> Now living shall be the Represent<sup>a</sup> And in Case there shall be no male heir then to the Eldest female Surviving; And that the pet<sup>r</sup> be allowed by a Surveyor and Chainman on Oath to Survey the said Tract of Land, and Return a Plat thereof to this Court within twelve months for Confirmation Accordingly. [*Passed December 17.*]

<sup>1</sup> Inserted from State Library copy, Legislative Records of the Council, xvi., 93.

## CHAPTER 153.

ORDER IMPOWERING CAPT SAM<sup>L</sup> JORDAN TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
93.

House Jour-  
nal, p. 107.

A PETITION of Cap<sup>t</sup> Samuel Jordan, Shewing that in his Younger time he Served Against the Indian Enemy, and that in the Year 1703, he was taken Prisoner, by them and kept in a Miserable Captivity for the Space of Eight Years, and Since his Release has Served as an Interpreter on all Publick Occasions, and been out on Several Marches, and Went on a Journey to Canada in the Publick Service; and praying for a Grant of Some of the Unappropriated Lands of the Province in Consideration of his Services and Sufferings as aforesaid.

Read &

*Ordered* That the prayer of the petition be so far Granted, as that the Pet<sup>r</sup> be allowed and Impowred by a Surveyor and Chain men on Oath to Survey and lay out Three hundred Acres of the Unappropriated Lands in the County of York and Return a Plat thereof to this Court within twelve Months for Confirmation to the Pet<sup>r</sup> his heirs & assigns forever. [*Passed December 17.*]

## CHAPTER 154.

## ORDER IMPOWERING JOHN BLAISDEL TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
93.

House Jour-  
nal, p. 101.  
Province  
Laws, xi., 785,  
chap. 193.

A PETITION of John Plaistead<sup>1</sup> of Amesbury, Shewing that he Served the Province in the Indian War in five Several Expeditions and in four of them as a Voluntier that he with others petitioned the Court for a Township at Ameskeeg and from Some Encouragement he had built upon the Land but the Court were pleased to Grant a Township near the place to the Narragansett Soldiers, Praying for a Grant of the Unappropriated Lands on the East Side of Merrimack River.

Read & in Answer to this Petition

*Ordered* that the pet<sup>r</sup> have leave to Survey and lay out (by a Surveyor & Chainmen on Oath<sup>2</sup> three hundred Acres of the Unappropriated Lands of the Province lying on the East Side of Merrimack River, and to the Northward of One Thousand Acres Granted to Robert Rand, and Return a plat thereof to this Court within twelve Months for Confirmation, to him and his heirs and assigns forever, On Condition the Pet<sup>r</sup> his heirs or assigns do within three Years Settle two families on the Granted Lands and have each of them a house there of Eighteen feet Square and five Acres of Land brought to English Grass or broke up by Plowing and well inclosed. [*Passed December 17.*]

<sup>1</sup> This name in the State Library copy, Legislative Records of the Council, xvi., 93, is given as "Blaisdell," both in heading and text; also in the House Journal.

<sup>2</sup> *Sic*, as to absence of mark of parenthesis.



## CHAPTER 155.

ORDER IMPOWERING RICH<sup>d</sup> CUTT TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Richard Cutt of Kittery Shewing that in the Year 1724 he went out a Voluntier at Sea Under the Command of Cap<sup>t</sup> George Jackson in the Service against the Eastern Indians and was Wounded thro<sup>o</sup> the Body and lay ill of his wounds for a year after and is Still much Weakned and impaired Praying for a Grant of the Unappropriated Lands of the Province in consideration of his Services and Sufferings aforesaid

Read &

*Ordered* that the Pet<sup>r</sup> be allowed & impowred by a Survey<sup>r</sup> and Chainmen on Oath to Survey and lay out two hundred Acres of the Unappropriated Lands of the Province in consideration of the Smart and pain he Underwent by Reason of the wound within mentioned, and that he Return a plat thereof to this Court within Twelve Months for Confirmation to him and his heirs & assigns forever. [*Passed December 17.*]

Legislative  
Records of the  
Council, xvi.,  
94.

House Jour-  
nal, pp. 108, 109.  
Province  
Laws, xi., 154,  
chap. 50.

## CHAPTER 156.

ORDER OF NOTICE ON PETITION OF THO<sup>s</sup> CUNINGHAM & OTHERS OF SUNCOOK IN REGARD TO A GRANT OF LAND.

A PETITION of Thomas Cuningham and Eight other Inhabitants of the Plant<sup>a</sup> Called Suncook, Complaining of the Great Neglect of Most of the Proprietors to Comply with the Terms and Conditions enjoined by the General Court for Settling the same ; by which means the Pet<sup>rs</sup> who have Actually Settled them selves and their familys Upon the place are put to Great difficultys more Especially in their not Enjoying the preaching of the Gospell Among them praying that this Court would Grant them Relief in the premisses.

Read &

*Ordered* that the Pet<sup>rs</sup> serve William Lovejoy and the Rest of the Com<sup>tee</sup> of the Proprietors of the Plant<sup>a</sup> of Suncook with a Copy of this petition ; And that the said Committee be and hereby are Required and directed to assemble and Convene the said Proprietors as soon as may be, and that they take into consideration the Subject Matter of the petition and Shew Cause, if any they have, to this Court on the first Tuesday of the next May Session, why the prayer thereof should not be Granted, and that the petition be Referr'd in the meantime Accord-  
ingly. [*Passed December 18.*]

Legislative  
Records of the  
Council, xvi.,  
95.

House Jour-  
nal, pp. 139, 141  
(April, 1733) ;  
p. 128. Prov-  
ince Laws, xi.,  
704, chap. 132.

## CHAPTER 157.

## ORDER OF NOTICE ON JOS. INGOLLS PETITION FOR RELIEF FROM A JUDGEMENT WITH STAY OF EXECUTION.

A PETITION of Joseph Ingolls of Marblehead Shoreman Shewing that at an Inferiour Court of Common pleas held at Boston for the County of Suffolk in October 1733 Gyles Dulake Tidmarsh as Surviving Partner

Legislative  
Records of the  
Council, xvi.,  
96.

House Jour-  
nal, p. 131.  
Province  
Laws, xi., 761,  
chap. 135.

of Samuel Appleton Esq<sup>r</sup> Sued him for £135. 0. 1 And the Pet<sup>r</sup> filed his Accompt Against the said Action which Amounted to £145. 10. 11 and when the Case was by Rule of Court Referr'd to Mess<sup>rs</sup> Peter Luce Thomas Moffat and Thomas Jackson, who kept the Affair in their hands One whole year, during which time the Pet<sup>r</sup> Attended often with his Papers to prove his Accompt, but could not be heard but on the 9<sup>th</sup> of October last the said Referrees without the knowledge of the petitioner met and passed on those Accompts, and made Report to the Court Under the hands of two of them only, bringing in the Pet<sup>r</sup> to be in debt to the said Tidmarsh and Appleton £71. 0. 1 & Costs which was Accordingly Awarded by the Court and Execution issued thereon And forasmuch as the Pet<sup>r</sup> is able to prove his Acco<sup>t</sup> by Sufficient Vouchers, were he Admitted to it; Therefore praying that the said Case may be Recommitted to said Referrees M<sup>r</sup> Tidmarsh to Chuse some other person in the Room of M<sup>r</sup> Luce who has been his Agent for a long time or that he may have a Trial of the said Case at the Common law or be otherwise Relieved

Read &

*Ordered* that the pet<sup>r</sup> forthwith Serve the Adverse party Gyles Dulake Tidmarsh with a Copy of the petition that he Shew Cause on Saturday the Twenty first Currant at ten a Clock in the Forenoon why the prayer of the petition should not be Granted and that the Execution mentioned be Staid in the Meantime. [*Passed December 19.*]

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## CHAPTER 158.

### ORDER DISCHARGING THE TRUSTEES FOR THE HASSANAMISCO INDIANS.

Legislative  
Records of the  
Council, xvi.,  
97.

House Jour-  
nal, p. 129.

AN ACCOMPT presented by the Hon<sup>ble</sup> Spencer Phipps Esq<sup>r</sup> Edward Goddard and Ephraim Curtis Esq<sup>rs</sup> Trustees for the Indians at Hassanimisco of their Receipts and Disbursments for the said Indians the last Year.

Read & Accepted &

*Ordered* that the Accomptants be Discharged of the sum of Two hundred and Seven pounds fourteen shillings and fourpence Disbursed on Acco<sup>t</sup> and Service of the Hassanimisco Indians and that they further Acco<sup>t</sup> to this Court for Twenty Six pounds Sixteen shillings and Sevenpence, the Remaining Interest in their hands, and also for the Principal Stock of Two Thousand five hundred pounds, together with Forty three pounds belonging to the Orphan Children of Amy<sup>1</sup> Printer deced, and the Interest thereon being Thirty two shillings & Seven pence after the Trustees allowance of Forty three shillings for letting out the said Forty three pounds is deducted. [*Passed December 20.*]

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## CHAPTER 159.

### ORDER ALLOWING £40 CONDITIONALLY TO HENRY JOSLYN.

Legislative  
Records of the  
Council, xvi.,  
97.

House Jour-  
nal, p. 123.  
Province  
Laws, xi., 757,  
chap. 123.

A PETITION of Henry Joslyn of Attleborough Shewing that he Com-  
plained to the Court of General Sessions of the peace for the County  
of Bristol Against One John Whipple of Providence for pretending to  
Execute the office of an Undersheriff without Lawfull Authority; Upon  
which the said Whipple was fined the sum of Forty pounds and when  
the pet<sup>r</sup> Claimed Onehalf thereof as Complainant or Informer the Court

<sup>1</sup> The House Journal, p. 129, reads, "*Moses.*"

would not Allow his Claim and forasmuch as the Pet<sup>r</sup> has Greatly Suffered in his Interest by discharging his duty faithfully to this Government, Therefore praying that this Court would allow him the benefit of a Complainer at least and his Costs.

Read & in Answer to this Petition.

*Voted* That when and so Soon as the fine of Forty pounds shall be paid into the Publick Treasury the like sum of Forty pounds be Granted out of the Publick Treasury to the Pet<sup>r</sup> or his order. [*Passed December 20.*]

## CHAPTER 160.

### ORDER ON JABEZ OMSTEDS PETITION TO BE ANNEXED TO THE TOWN OF BROOKFIELD.

A PETITION of Jabez Omstead of Ware River Shewing That the Assessors of the Plant<sup>a</sup> commonly called the Elbows, under Colour of an order of Court for taxing Certain Lands not improved, lying near them, at two pence *p* Acre, have Assessed the Lands of the Pet<sup>r</sup> at two pence *p* Acre, and Threaten to Sell his Land to pay it; Praying that he may be annexed to the Town of Brookfield 'till such time as there shall be a Parish Settled between his Farm & Brookfield

Legislative  
Records of the  
Council, xvi.,  
97.

House Jour-  
nal, pp. 127, 131.  
Province  
Laws, xi., 793,  
chap. 212.

Read &

*Ordered* that the prayer of the petition be Granted, and the petitioner and his Farm be and hereby is Annexed & Accounted part of the Town of Brookfield, to do duty & Receive privilege there Untill the further order of this Court; the order within mentioned of the two penny Tax Notwithstanding. [*Passed December 20.*]

## CHAPTER 161.

### ORDER IMPOWERING THE HEIRS OF M<sup>r</sup> JAMES TAYLOR DECED TO SURVEY AND LAY OUT 500 ACRES OF LAND.

A PETITION of William Taylor and others heirs of Mr James Taylor deced late Treasurer of this Province, Shewing that the said Treasurer Taylor quitted his private Business, which was very profitable to Serve the Province in that office which he did very Faithfully for many Years, and Advanced Several Thousands of pounds for the Government, for which he never was allowed any Interest that he laid out Seventy Odd pounds for Mathematical Instruments, for the Province for which he was never paid; By all which means his Estate was Lesned; And therefore praying for a Grant of some of the Unappropriated Lands of the Province

Legislative  
Records of the  
Council, xvi.,  
98.

House Jour-  
nal, pp. 112, 133,  
134.

Read &

*Voted* that there be and hereby is Granted to the Heirs and Legal Represent<sup>a</sup> of James Taylor Esq<sup>r</sup> late Treasurer of this Province Deced Five hundred acres of the Unappropriated Lands of this Province in consideration of the Services mentioned in the petition and that the Grantees be allowed and impowred by a Survey<sup>r</sup> and Chain men on Oath to Survey and lay out the said Lands next Adjoyning to some Township or former Grant & Return a plat thereof to this Court within twelve Months for Confirmation to them their heirs and assigns Respectively forever. [*Passed December 21.*]

## CHAPTER 162.

## ORDER ACCEPTING THE COMMITTEES REPORT ON JOHN GREENS PETITION TO BE ANNEXED TO STONEHAM.

Legislative  
Records of the  
Council, xvi.,  
99.

House Jour-  
nal, pp. 42, 84,  
134. *Ante*,  
p. 44, chap. 95.

THE COMMITTEE Appointed the 23<sup>d</sup> of Nov<sup>r</sup> last to Repair to and View the Lands petitioned for by John Green and other Inhabitants of Malden & Reading to be annexed to the Town of Stoneham have Accordingly performed that Service; & Upon a full hearing of all partys and Mature Consideration of the Affair are of Opinion that the prayer of the petition be so far Granted, as that the pet<sup>rs</sup> John Green, Isaac Green, Joseph Green, John Dexter, & Josias Green, with all the Lands Contained within the following boundaries viz<sup>t</sup> begining at Stoneham line and Runing down on the Seventh Range line so Called to Eneas Spragues land, and so on a Strait Course to an Oak tree standing between Samuel and Joseph Greens land, and from said Oak tree a strait Course to the Corner Mark between the said Samuel Greens land and the Land late of Jacob Green deced, at or near the Country Road, that goes from Malden and Reading, & then to follow the dividing line between Malden and Reading home to Stoneham line, be Annexed to and Accounted as part of the Town of Stoneham, Subject nevertheless to the payment of their proportion of all Rates as are or shall be assessed by the Town of Malden before the Twentieth day of February next All which is humbly Submitted

In the name & by order of the Comm<sup>tee</sup> EBEN<sup>B</sup> BURRILL

Read &

*Ordered* that this Report be Accepted and that the persons thereby Set off to the Town of Stoneham pay the Account of the Committees time & Expence Amounting to the sum of Six pounds ten shillings. [*Passed December 21.*]

## CHAPTER 163.

## ORDER OF NOTICE ON FRANCES BANISTERS PETITION FOR STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
101.

House Jour-  
nal, p. 135.  
Province  
Laws, xi., 688,  
chap. 93.

A PETITION of M<sup>rs</sup> Frances Banister of Boston Widow Shewing that She has had many disputes in the Law with her Brother in Law M<sup>r</sup> Samuel Banister, that they have Entred into a Rule of Court for deciding their differences by Referrees, that the said M<sup>r</sup> Banister Received two hundred pounds Sterling of the Pet<sup>rs</sup> money in England, & pretends he has lodged it on her Acco<sup>t</sup> with Mess<sup>rs</sup> Parkin and Sitwell, but the Pet<sup>r</sup> supposes it Went to pay his Debts, that she has written Several times to the said Parkin & Sitwell but can get no Answer; that the Referrees have no consideration of the Debt of £200 Sterling, have Reported that Two hundred fifty Eight pounds is due from the Pet<sup>r</sup> to the said Samuel, and She is allowed only Six Months to pay it; Praying for time to send to England and that Execution may be Staid till She can have Advice.

Read &

*Ordered* That the Pet<sup>r</sup> Serve M<sup>r</sup> Samuel Banister the Adverse party with a Copy of this petition, that he shew Cause if any he have, on Thursday the twenty Sixth Instant why the prayer thereof should not be Granted. [*Passed December 23.*]



## CHAPTER 164.

ORD<sup>R</sup> FOR A TOWN MEETING AT TUKESBURY.

*Voted* That M<sup>r</sup> Daniel Kitteridge, one of the Principal Inhabitants of the Town lately Erected within the County of Middlesex by the name of Tewkesbury be and hereby is fully Authorized and Impowred to Assemble the Freeholders and other Qualified persons Voters there to make Choice of Town Officers to Stand untill the Anniversary Meeting in March next. [*Passed December 24.*]

Legislative  
Records of the  
Council, xvi.,  
101.  
House Jour-  
nal, p. 139.

## CHAPTER 165.

## ORDER OF NOTICE ON THE BRIMFIELD PETITION RELATING TO TAXES.

A PETITION of John Sherman and Robert Moulton in behalf of Brimfield Praying for the Order of this Court to Subject the Lands belonging to the Non Resident proprietors and those belonging to minors to the same Taxes with the other Lands and that the other lands which the Grantees are not Obligated to Settle may be Taxed at two pence p acre p Annum for some Reasonable time and that the Com<sup>tee</sup> of the General Court for bringing forward the Settlement of the said Township may lay before this Court an Accompt of the money they have Rec<sup>d</sup> and paid for the use of the Town Agreeable to the Order of this Court pass'd the 17<sup>th</sup> of June 1731.

Legislative  
Records of the  
Council, xvi.,  
102.

Legislative  
Records of the  
Council, xv.,  
89. House  
Journal, pp. 47,  
48 (June, 1731);  
p. 137. Prov-  
ince Laws, xi.,  
592, chap. 27.

Read &

*Ordered* that the pet<sup>r</sup> Serve the Propri<sup>rs</sup> Clerk of the Common Lands in Brimfield with a Copy of the petition and that he Notify and warn the said Proprietors to Assemble and Convene as soon as may be in some Convenient place in said Town that they take the petition under Consideration and Shew Cause if any they have on the first Tuesday of the Sitting of the Court in May next why the prayer thereof should not be Granted. [*Passed December 24.*]

## CHAPTER 166.

ORDER ALLOWING £1,200 FOR EXPENSE OF THE GOVERN<sup>RS</sup> INTERVIEW WITH THE WESTERN INDIANS.

*Ordered* That the sum of Twelve hundred pounds be Granted and paid out of the Publick Treasury to be used and disposed of for purchasing of Necessarys and Defreying the Charges of his Excellency the Governour and the Gent<sup>n</sup> that may be desired to Attend him on his Journey to the Western Frontiers at the Proposed Interview with the Indians. [*Passed December 26.*]

Legislative  
Records of the  
Council, xvi.,  
102.

Legislative  
Records of the  
Council, xvi.,  
100. House  
Journal,  
pp. 138, 140, 142.



## CHAPTER 167.

ORDER ALLOWING £1,000 TO THE JUDGES.

Legislative  
Records of the  
Council, xvi.,  
102.

House Jour-  
nal, p. 142.

*Ordered* that the sum of One Thousand pounds be Granted and paid out of the Publick Treasury to the Hon<sup>ble</sup> His Majestys Justices of the Superior Court of Judicature Court of assize and General Goal Delivery for their Service the Year Currant, which will End the first day of January next. to be paid in Proportion to the Courts they have Attended during the said Term. [*Passed December 26.*]

## CHAPTER 168.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND FOR DUXBURY SCHOOL.

Legislative  
Records of the  
Council, xvi.,  
103. Maps and  
Plans, Mis.,  
viii., 27.

Maps and  
Plans, Mis.,  
viii., 27. House  
Journal, p. 139.  
Province  
Laws, xi., 789,  
chap. 202.

A PLAT of Five hundred Acres of Land laid out to the Town of Duxbury to fulfill a Grant made by this Court for the School there, at the Session in Febr̄y 1732<sup>1</sup> which bounds Southerly on Sohegan River East on the Uppermost Narragansett Township on said River, North and west on Unappropriated Lands; It begins at a white Oak marked with a heap of Stones near it on the North side of said River, about One hundred and Thirty Rods above the upper End of Charles-town School, and Runs North two hundred Rods; from thence East four hundred Rods to said Narraganset Township, from thence South two hundred and Seventeen Rods to said Sohegan River, and then Up along said River to the place where it began Surveyed by Jonas Houghton and Chaimmen on Oath.

Read and Accepted and

*Ordered* That the plat be allowed and the Lands therein delineated and described be and hereby are confirmed to the town of Duxbury for the use maintenance and Support of a Grammar School there, provided it exceeds not the quantity of Five hundred Acres and does not interfere with any former Grant. [*Passed December 26.*]

## CHAPTER 169.

ORDER ALLOWING £600 FOR PROVIDING A PRESENT FOR THE WESTERN INDIANS.

Legislative  
Records of the  
Council, xvi.,  
104.

House Jour-  
nal, p. 142.  
*Ante*, p. 81,  
chap. 166.

*Ordered* that the sum of Six hundred pounds be Granted to be paid out of the Publick Treasury to Thomas Cushing Ezekiel Lewis Samuel Welles Esq<sup>r</sup> M<sup>r</sup> Oxenbridge Thacher & M<sup>r</sup> Thomas Cushing jun<sup>r</sup> to be by them used and Disposed of to purchase Such Goods as may be thought proper to be given as a present by his Excellency the Governour in the name of this Court to the Cagnawaga Indians & such Tribes as shall Meet his Excellency at the proposed Interview on the Western Frontiers. [*Passed December 27.*]

<sup>1</sup> The State Library copy, Legislative Records of the Council, xvi., 103, gives the year "1733."

## CHAPTER 170.

ORDER ALLOWING £150 TO THE SECR<sup>y</sup> AND A FURTHER SUM OF £100.

*Ordered* that the sum of One hundred & fifty pounds be Granted and paid out of the Publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his Service to the Third of this Instant Decem<sup>r</sup> and that the further sum of One hundred pounds be Granted and paid out of the Publick Treasury to M<sup>r</sup> Se<sup>c</sup>ry Willard in Consideration of his Extraordinary Service. [*Passed December 27.*]

Legislative  
Records of the  
Council, xvi.,  
104.  
House Jour-  
nal, p. 143.

## CHAPTER 171.

ORDER ALLOWING 4/ PER DIEM TO THE SPEAKER.

*Ordered* That there be Granted and paid out of the Publick Treasury after the Rate of four shillings p diem to the Hon<sup>ble</sup> John Quincey Esq<sup>r</sup> Speaker of the House, for every day of his Attendance in the General Court, from the Opening of this Session, beginning the 29<sup>th</sup> day of May, to the Dissolution of this Assembly, Upon Certificate from the Clerk of the House, in consideration of his Constant Application in dispatching the Publick Affairs of this Province. [*Passed December 27.*]

Legislative  
Records of the  
Council, xvi.,  
104.  
House Jour-  
nal, p. 143.

## CHAPTER 172.

ORDER ALLOWING £300 TO THE TREASURER AND A FURTHER SUM OF £120.

*Ordered* that the sum of Three hundred pounds be Granted and paid out of the Publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province in full for his Service the Year past which ended the first of June last; and that the further sum of One hundred & twenty pounds be Granted and paid out of the Publick Treasury to the said Jeremiah Allen Esq<sup>r</sup> in full Consideration for his Services in the Treasury &c for the last Year which Ended the first Currant. [*Passed December 27.*]

Legislative  
Records of the  
Council, xvi.,  
104.  
House Jour-  
nal, p. 143.

## CHAPTER 173.

ORDER ALLOWING £150 TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of One hundred & fifty<sup>1</sup> pouds be Granted & paid out of the Publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House in full for his Service to the next may Session. [*Passed December 27.*]

Legislative  
Records of the  
Council, xvi.,  
104.  
House Jour-  
nal, p. 143.

<sup>1</sup> The Executive Records of the Council, ix., 571, the House Journal, p. 143, and the Mass. Archives, exxiv., 21, all give the sum as £160.

## CHAPTER 174.

ORDER ALLOWING £40 TO THE CHAPLAINS OF THE HOUSE AND BOARD.

Legislative  
Records of the  
Council, xvi.,  
104.

House Jour-  
nal, p. 143.

*Ordered* that the sum of Forty pounds be Granted and paid out of the Publick Treasury Viz<sup>t</sup> Twenty poun<sup>d</sup>s, half thereof, to the Rev<sup>d</sup> Chaplain who Officiates at the Hon<sup>ble</sup> Board the Year Currant, and Twenty pounds to the Rev<sup>d</sup> M<sup>r</sup> Samuel Checkley Chaplain of the House for his Services for the Year Currant. [*Passed December 27.*]

## CHAPTER 175.

ORDER ALLOWING £150 TO M<sup>r</sup> RICH<sup>d</sup> HUBBARD.

Legislative  
Records of the  
Council, xvi.,  
105.

House Jour-  
nal, p. 143.

*Ordered* that the sum of One hundred & twenty pounds be Granted and paid out of the Publick Treasury to M<sup>r</sup> Richard Hubbard Door-keeper to his Excellency the Gov<sup>r</sup> & this Court, in full for his Service the Year Currant, which will Determine the twentieth of February next. [*Passed December 27.*]

## CHAPTER 176.

ORDER ON THE PETITION OF JOSEPH THOMPSON ESQ<sup>r</sup> TO BE CONFIRMED IN POSSESSION OF LAND.

Legislative  
Records of the  
Council, xvi.,  
105.

House Jour-  
nal, pp. 142, 145.  
Province  
Laws, ix., 328,  
chap. 136.

A PETITION of Thomas Cushing jun<sup>r</sup> Attorney to Joseph Thompson of London Esq<sup>r</sup> and the other heirs of Robert Thompson Esq<sup>r</sup> deced. Shewing that in the Settlement of the Line between this Province and the Colony of Connecticut in the Year 1713, the said Robert Thompson had Two Thousand Acres of Land (part of a greater Tract) in the Nipmug Country, purchased by him of the Natives and Confirmed to him by this Government; which happened to fall to the Southward of the Line and within the Colony of Connecticut, That it was Conceeded to and Agreed on by the Commissioners of each Government, that the said Lands should be held and Enjoyed by the said Robert Thompson and his heirs; Not withstanding which Agreement, some people of the Town of Killingsly in the said Colony of Connecticut have Trespassed on the said land and held the Pet<sup>r</sup> out of it, That he has made Application to the Government of Connecticut that he might be assisted in Ejecting the Trespassers but to no purpose; And therefore praying the Assistance of this Court for Relief

Read &

*Ordered* That M<sup>r</sup> Secretary Willard be & hereby is directed by a Letter to Acquaint the Government of Connecticut, that altho the Commissioners of the Massachusetts Bay and Connecticut for Settling the Boundaries between the said Governments in the Year 1713 did Confirm to Robert Thompson a Tract of Land of two Thousand Acres Granted by this Government, & falls to the said Divisional line for which the said Government of Connecticut have Already Reced<sup>d</sup> an Equivalent yet the said Thompson is Molested in his possession and that this Government do trust in the Justice & Care of that Government, that the said Thompson may be Restored to the peaceable possession of the said Lands, And that William Dudley Esq<sup>r</sup> be and

hereby is Authorized & Impowred at the Charge of the Pet<sup>r</sup> to Solicit This Affair with the Government of Connecticut that so Justice may be done in the premisses That he Report his doings to this Court. [*Passed December 27.*]

## CHAPTER 177.

### ORDER APPOINTING A COMMITTEE TO VIEW LANDS AT THE "ELBOWS."

A PETITION of William Clements & others Praying that their petition preferr'd to this Court in Octo<sup>r</sup> 1733 for a Grant of One Thousand four hundred and forty three Acres of land, bounded by the Elbows Brookfield and Ware River may be Revived, and that the said lands may be Granted to them upon such Conditions and Restrictions as this Court shall Judge fit

Read &

*Ordered* that Col<sup>o</sup> Stoddard Col<sup>o</sup> Dwight and Cap<sup>t</sup> Williams be desired to Repair to the Lands petitioned for, view the Quality & Circumstances & Consider the Nature thereof, and make Report to this Court at the next may Session of their Opinion as to the value of the same And the Petition is Referr'd in the meantime for further Consideration. [*Passed December 27.*]

Legislative  
Records of the  
Council, xvi.,  
106.

Legislative  
Records of the  
Council, xv.,  
461. House  
Journal, p. 91  
(October,  
1733); p. 141.

## CHAPTER 178.

### ORDER ALLOWING £900 TO THE GOV<sup>R</sup>.

*Ordered* that the sum of Nine hundred pounds be Granted and paid out of the Publick Treasury to his Excellency Jonathan Belcher Esq<sup>r</sup> Cap<sup>t</sup> General & Governour in Chief in and over this his Majestys Province.<sup>1</sup> [*Passed December 27.*]

Legislative  
Records of the  
Council, xvi.,  
106.

House Jour-  
nal, p. 144.

## CHAPTER 179.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO STEPHEN WILLIAMS ESQ<sup>R</sup> &c.

A PLAT of two hundred Acres of Land laid out by Henry Chandler Survey<sup>r</sup> & Chaimmen on Oath, to fulfill a Grant made by this Court to Cap<sup>t</sup> Thomas Colton deced in June 1728, and purchased by Stephen Williams and Isaac Colton; the said Land lying in the Gore of Province Land in the County of Hampshire, that is between Springfield on the North and the Colony or Patent line on the South, Brimfield on the East, and Somers on the West on the Southeast Corner of the said Land

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated & described be & hereby are Confirmed unto the said Stephen Williams & Isaac Colton Jun<sup>r</sup> their heirs and assigns for Ever respectively to satisfie the Grant within mentioned, provided it exceeds not the quantity of two hundred Acres of Land and does not interfere with Any former Grant. [*Passed December 28.*]

Legislative  
Records of the  
Council, xvi.,  
107. Maps and  
Plans, Ms.,  
viii., 22.

Maps and  
Plans, Ms.,  
viii., 28. House  
Journal, p. 145.  
Province  
Laws, xi., 369,  
chap. 200.

<sup>1</sup> The Governor signed this resolve April 19, 1735.

## CHAPTER 180.

ORDER ON THE PETITION OF AARON ELLIS TO BE RETURNED TO THE  
1<sup>ST</sup> PRECINCT IN DEDHAM.Legislative  
Records of the  
Council, xvi.,  
107.SAMUEL THAXTER ESQ<sup>r</sup> from the Com<sup>tee</sup> on the Petition of Aaron Ellis and others of Dedham [*ante*, p. 26, chap. 48] Reported as follows viz<sup>t</sup>Legislative  
Records of the  
Council, xvi.,  
31. House  
Journal, pp. 59,  
146, 147. *Ante*,  
p. 26, chap. 48.The Committee having considered this petition and heard all parties concerned, are of Opinion that Aaron Ellis the first named in the petition & him only with his Estate be set back Again to Old Dedham, or the first Precinct & for the Rest of the Pet<sup>rs</sup> that they Remain to the South Precinct & that Accordingly their Petition be Dismissed.

By Order of the Committee

SAM<sup>l</sup> THAXTERRead & Accepted. [*Passed December 28.*]

## CHAPTER 181.

ORDER ON THE PETITION OF EDW<sup>d</sup> HUTCHINSON &c TO SURVEY AND  
LAY OUT 500 ACRES OF EQUIVALENT LAND.Legislative  
Records of the  
Council, xvi.,  
107.House Jour-  
nal, pp. 141, 146.  
Province  
Laws, ix., 328,  
chap. 136,  
*Ante*, p. 84,  
chap. 176.A PETITION of Edward Hutchinson Esq<sup>r</sup> & M<sup>rs</sup> Mary Wolcott Shewing That the General Court of the late Colony of the Massachusetts Bay Granted four hundred Acres of Land to Cap<sup>t</sup> Thomas Clark the Pet<sup>rs</sup> Grandfather that the Commiss<sup>rs</sup> of this Province & Connecticut on the affair of the line Agreed that the land taken up to Satisfy the said Grant should be Confirmed by the Government of Connecticut: within which it fell upon Running the line in the Year 1713 to the said Thomas Clark & that Connecticut should have an Equivalent of Lands from this Province, that the Pet<sup>rs</sup> have divers times Applied to the Govern<sup>mt</sup> of Connecticut for Confirmation of said Lands, but without Effect, because as the pet<sup>rs</sup> are informed Connecticut never Received an Equivalent for the said Land And therefore praying That this Court would take Effectual Measures that the Pet<sup>rs</sup> may be Secured in their RightsRead & forasmuch as it Appears to this Court That a Tract of Land Originally belonging to Maj<sup>r</sup> Thomas Clark by Grant of the Massachusetts Province, and falling to the Southward of the Divisional line between this Government and the Colony of Connecticut, was Confirmed to the said Clark his heirs and assignes forever, by the Commissioners of the Respective Governments for Settling the Boundary between the said Governments in the Year 1713, but in as much as an Exact Survey of the said Tract could not at that time be made, and the bound thereof Ascertained they further Agreed that as soon as the said Survey could be made an Equivalent for it be Allowed to the said Colony; Which Survey has been since made by John Chandler Esq<sup>r</sup> as Appears by a Plat and Return thereon under his hand Dated May 5<sup>th</sup> 1732 but no Equivalent made thereforVoted that Ebenezer Pomroy of Northampton Esq<sup>r</sup> be and hereby is Authorized and impowred by this Court to Join with such person or persons as shall be Appointed by the Government of Connecticut to lay out five hundred Acres as an Equivalent therefor in the West Lands of this Province to the Colony of Connecticut and that a Return of their doings be made to this Court. [*Passed December 28.*]



## CHAPTER 182.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE LOCATION  
OF A MEETING HOUSE IN THE S<sup>O</sup> PRECINCT IN DEDHAM.

SAMUEL THAXTER ESQ<sup>R</sup> from the Com<sup>tee</sup> on the Petition of the South Precinct in Dedham [*ante*. p. 64, chap. 129] made the following Report  
viz<sup>t</sup>

Legislative  
Records of the  
Council, xvi.,  
108.

The Com<sup>tee</sup> Appointed on this Petition having Maturely Considered the same as well as that of the other Inhabitants that are gone from said Precinct are of Opinion, that the place for a precinct meeting house be between the Houses of Ebenezer Dean and Nath<sup>l</sup> Guile on the North West side of the Way to Walpole about Nine Rods from said Guiles fence, on the Quarter of an Acre of Land Given and Granted to the said Precinct by the said Dean Under his hand and Seal and Acknowledged as may Appear

House Jour-  
nal, p. 146.  
*Ante*, p. 64,  
chap. 129.

all which is Submitted

By Order of the Com<sup>tee</sup>

SAMUEL THAXTER

Read & Accepted. [*Passed December 28.*]

## CHAPTER 183.

COMMISS<sup>RS</sup> CHOSEN FOR THE LINES ON NEW YORK GOVERNMT<sup>R</sup>.

A MESSAGE Came up from the House by Col<sup>o</sup> Chandler That in Consideration of the Great Importance of the Affair of settling the line between this Province and the Colony of New York the House propose that Seven Commissioners be Chosen for that Service any four of whom to be a Quorum to Which the Board agreed

Legislative  
Records of the  
Council, xvi.,  
109.

And then the two Houses proceeding to the Election of Commissioners for Stating and Runing the line between this Province and the Colony of New York the following persons were Chosen by a Major Vote viz<sup>t</sup> Edmund Quincey John Stoddard William Dudley Jacob Wendell John Wainwright John Chandler and Samuel Welles Esq<sup>rs</sup>

Legislative  
Records of the  
Council, xvi.,  
98, 108, 109.  
House Jour-  
nal, pp. 149, 150.  
*Ante*, p. 59,  
chap. 117.

To which Elections his Excellency Signed his Consent. [*Passed December 30.*]

## CHAPTER 184.

## ORDER FOR IRON RAILS TO THE STEPS AT THE PROVINCE HOUSE.

*Ordered* M<sup>r</sup> Sheriff Winslow be and hereby is desired & Impowred to take Effectual Care that the Stone Steps going up to the Province house where his Excellency the Gov<sup>r</sup> dwells be handsomly Railed in w<sup>th</sup> an Iron Rail fence at the Publick Charge. [*Passed December 30.*]

Legislative  
Records of the  
Council, xvi.,  
109.

House Jour-  
nal, p. 127.

## CHAPTER 185.

VOTE APPOINTING MEMBERS OF THE HOUSE TO ATTEND THE GOV<sup>R</sup> WESTWARD.

Legislative  
Records of the  
Council, xvi.,  
109.

Legislative  
Records of the  
Council, xvi.,  
108. House  
Journal, p. 148.  
*Ante*, p. 81,  
chap. 166.

IN ANSWER to his Excellency's Message this day Respecting a Number of the Gent<sup>n</sup> of the House attending him on the proposed Interview with the Indians on the Western Frontiers,

*Voted* That M<sup>r</sup> Speaker Quincey, Col<sup>o</sup> Wainwright Samuel Welles Esq<sup>r</sup>, Col<sup>o</sup> Tileston, Maj<sup>r</sup> Bowles, Maj<sup>r</sup> Epes, Rob<sup>t</sup> Hale Esq<sup>r</sup>, Col<sup>o</sup> Prescott, Sam<sup>l</sup> Danforth Esq<sup>r</sup>, Col<sup>o</sup> Stoddard, Cap<sup>t</sup> Wells, Col<sup>o</sup> Chandler, Col<sup>o</sup> Willard, & Maj<sup>r</sup> Warren, Elisha Busby Esq<sup>r</sup>, Col<sup>o</sup> Almy, Col<sup>o</sup> Church, Col<sup>o</sup> Goreham, Cap<sup>t</sup> Hill, Enoch Coffin Esq<sup>r</sup> & Maj<sup>r</sup> John Holman, be and hereby are desired on the part of the Represent<sup>s</sup> to Attend his Excellency the Gov<sup>r</sup> at the proposed Interview between his Excellency & the Cagnawaga & the other Tribes of Indians on the western Frontiers. [*Passed December 30.*]

## CHAPTER 186.

ORDER FOR A REMITT<sup>CE</sup> OF £500 TO THE AGENT FOR THE USE OF THE PROVINCE.

Legislative  
Records of the  
Council, xvi.,  
110.

House Jour-  
nal, p. 152.  
*Infra*, chap.  
187.

*Ordered* That the Treasurer of the Province be and hereby is directed, as soon as Conveniently may be, to Remit in the best way and means he can, the Sum of Five Hundred pounds Sterling, to be put into the hands of Francis Wilks Esq<sup>r</sup> Agent for this Province, to be Employed for the use thereof; the said Agent to be Accountable for the Same. [*Passed December 31.*]

## CHAPTER 187.

## ORDER ALLOWING £800 TO FRANCIS WILKS AGENT.

Legislative  
Records of the  
Council, xvi.,  
110.

House Jour-  
nal, p. 150.  
*Supra*, chap.  
186.

*Ordered* That the sum of Eight hundred pounds be allowed & paid out of the Publick Treasury to Francis Wilks Esq<sup>r</sup> Agent for this Province or his order for his Service to this time. [*Passed December 31.*]

## CHAPTER 188.

VOTE AB<sup>T</sup> SETTLING A NEW TOWN IN THE COUNTY OF YORK.

Legislative  
Records of the  
Council, xvi.,  
110.

House Jour-  
nal, p. 152.  
Province  
Laws, xl., 758,  
chap. 126.

*Ordered* That the Com<sup>tee</sup> Appointed for bringing on the Settlement of the Town lately Granted at the head of Berwick<sup>1</sup> in the County of York in laying out the Home lotts use their best Judgment and Discretion and lay them in as Defensible a manner as the Quality of the Land will Admit & not to Exceed the Quantity of forty Acres in each Home lot. [*Passed December 31.*]

<sup>1</sup> Lebanon, Maine. See Province Laws, iv., 954, chap. 3.

## CHAPTER 189.

ORD<sup>R</sup> ON THE PETITION OF ZACH FIELD & OTHERS OF HADLEY TO BE ERECTED INTO A SEPERATE PRECINCT AND TO LEVY AND COLLECT A TAX OF TWO PENCE PER ACRE ON LANDS.

A PETITION of Zachariah Field and a Number of Other Inhabitants of the Town of Hadley Shewing That they live at a Great Distance from the Place of Publick Worship there; and praying that they with others and their Familys and Estates may be Set off a Seperate precinct, viz<sup>t</sup> A Tract of Land Seven Miles long and two Miles and three Quarters Broad, bounded Westerly by a Tract of Land Reserved by the Town of Hadley to be as Common forever, Southerly on Boston Road, Easterly on the Equivalent land, and Northerly on the Town of Sunderland; And that they may be Enabled to lay a Tax of two pence ~~p~~ acre ~~p~~ annum on the Lands of the Non Resident Proprietors for the Space of Six Years for the Support of the ministry there

Legislative  
Records of the  
Council, xvi.,  
83, 111.

House Jour-  
nal, pp. 111, 147.

Read And the Represent<sup>a</sup> of the Town of Hadley informing the House that the Town had been Acquainted with the petition which being Considered

*Ordered* That the prayer of the petition be Granted, and the Lands hereafter bounded & Described, with the Inhabitants thereon, be and hereby are Erected into a Seperate & Destinct Precinct Accordingly; The precinct being of the Contents of two Miles and three Quarters in bredth and Seven miles in length; Bounded Westerly on a Tract of Land Reserved by the Town of Hadley to ly as Common forever, Southerly on Boston Road, Easterly on the Equivalent Lands, and Northerly on the Town of Sunderland And the petit<sup>s</sup> and Inhabitants of the Said Precinct are hereby obliged and Enjoyned within three Years to Build a Convenient House for the Publick Worship of God, Settle a Learned Orthodox Minister Among them (One of Good Conversation) & provide for his handsome & honourable Support; And the better to Enable them to proceed herein, It is hereby further

*Ordered* that the Lands lying and being within the said Precinct belonging to Non Resident proprietors (not belonging to the Old Precinct in Hadley) be and hereby are Subjected to a Tax of two pence ~~p~~ acre for the Space of Six years next coming to be applied for the Support of the Ministry there. [*Passed December 31.*]

## CHAPTER 190.

ORDER IMPOWERING ROBT HALE ESQ<sup>R</sup> TO SURVEY AND LAY OUT 300 ACRES OF LAND.

A PETITION of Robert Hale of Beverly Esq<sup>r</sup> Shewing that his Grandfather M<sup>r</sup> John Hale was Chaplain in the Expedition to Canada under William Phips in the Year 1690; wherein he Indured great hardships and did Considerable Service, and was a Great Sufferer in his Estate thereby; And therefore Praying that this Court would be pleased to make a Grant of some of the Unappropriated Lands of the Province to the Heirs of the said John Hale

Legislative  
Records of the  
Council, xvi.,  
111.

House Jour-  
nal, p. 151.

Read and in Answer to this petition,

*Ordered* that the pet<sup>r</sup> have leave by a Survey<sup>r</sup> and Chain men on Oath to Survey and lay out three hundred Acres of the Unappropriated Lands of the Province, so as not to Incommode a Township, &

to Return a plat thereof to this Court within twelve Months for Confirmation; to be for the use and behoofe of the heirs of the said Deced. [*Passed December 31.*]

## CHAPTER 191.

### VOTE GRANTING A TOWNSHIP TO THE TOWN OF SALEM.

Legislative  
Records of the  
Council, xvi.,  
111.

House Jour-  
nal, pp. 149, 151.  
*Ante*, p. 19,  
chap. 29.

A PETITION of Daniel Epes & Benj<sup>a</sup> Brown Esq<sup>rs</sup> Represent<sup>a</sup> of the Town of Salem in behalf of the said Town Shewing that it is the most Antient Town in the Province and very much Streightned in Lands whereon to Settle themselves and their Children; And therefore praying for a Tract of Province Lands lying at the head of the Main Branch of Swift River Southward of the New Township at Paquoig for a Township to be Settled by the Inhabitants of the said Town of Salem

In the House of Represent<sup>a</sup> Read & in Answer to this petition

*Voted & Ordered* that there be & hereby is Granted a Tract of Land of The Contents of Six Miles Square at the head of the Main or head Branch of Swift River Southward of & near adjoining to Paquoig Township And that John Wainwright and Joseph Blaney Esq<sup>rs</sup> & Col<sup>o</sup> Josiah Willard with such as the Hon<sup>ble</sup> Board shall Appoint be a Com<sup>tee</sup> fully Impowred within twelve Months to lay out the above Granted Tract of land and Admit Sixty Inhab<sup>ts</sup> belonging to the Town of Salem, that are most likely to Settle and bring forward a Plant<sup>a</sup> and that Most Need a Grant of Land; The Com<sup>tee</sup> to lay out the first division or Homelotts in as Defenciable a manner as Conveniently may be, the number of Lotts to be Sixty three, and to draw future Divisions in Equal proportions; three of the aforesaid Lotts to be Disposed of, one to the first Settled Minister, an another<sup>1</sup> for the Ministry, and the other for the use of the School, the Grants to be made and Confirmed upon the following Conditions (for the performance whereof the Committee are hereby Directed to take a Bond of each Grantee or Settler in the sum of Twenty five pounds) viz<sup>t</sup> That each Grantee be Upon the Spot and have an house of Seven feet Stnd and Eighteen feet Square at the least Seven acres of Land brought to and plowed or brought to English Grass, & fitted for mowing; That they Settle a Learned orthodox Minister, and Build a Convenient Meeting house for the Publick Worship of God, within five Years from their Admission, and that each Grantee pay the Committee Five pounds Upon their Admission, which shall be used and Employed for defreying the Charge of the Survey the Remainder to be Improved for the Publick benefit of the Plant<sup>a</sup> And upon failure of performance the Right of such as fail to Revert to the Province & be and belong to the Province as if no such Grant had been made.

In Council Read & Concurr'd & Edmund Quincey & Francis Foxcroft Esq<sup>rs</sup> are Joined in the affair. [*Passed December 31.*]

## CHAPTER 192.

### ORDER ALLOWING TO JON<sup>a</sup> CHURCH HIS CHARGE FOR SUBSISTING AN INDIAN PRISONER.

Legislative  
Records of the  
Council, xvi.,  
112.

A PETITION of Jonathan Church Underkeeper of his Majestys Goal in Springfield in the County of Hampshire Shewing That by Virtue of an order of this Court<sup>2</sup> he has kept in the said Goal at his own Expence

<sup>1</sup> *Sic.*

<sup>2</sup> This order has not been found.

one Santagaloghese an Indian of the Onandaga Tribe Committed for the Murder of an Indian of the Quoyagah Tribe Praying that he may be Allowed the Charge of his keeping & that this Court would give further orders about him

Read &

*Ordered* That the Sheriff of the County of Hampshire be & hereby is directed to take Care that the within-named Santagaloghese is safely Conducted to the Commissioners for Managing of Indian affairs at Albany that so they may proceed with him & take such order concerning the Indian Prisoner as they in their prudence<sup>1</sup> may think best and that the Charge of Subsisting him be Allowed & paid out of the Publick Treasury. [*Passed December 31.*]

House Journal, p. 150.

## CHAPTER 193.

RESOLVE ALLOWING £6,000 FOR SUNDRY GRANTS.

*Resolved* that the sum of Six Thousand pounds (part of the sum of Ten Thousand pounds which in the last Supply of the Treasury was Applied for the payment of such Matters & things as were done by Order of the Court & for which there is no Establishment) be and hereby is applied to and for the payments of such Grants as have been or shall be made by this Court & to and for no Other use & purpose whatsoever. [*Passed January 1.*]

Legislative Records of the Council, xvi., 113.

House Journal, p. 154.  
Province Laws, II., 709, chap. 1.

## CHAPTER 194.

VOTE APPOINTING A COMMITTEE TO SEARCH THE RECORDS FOR INFORMATION IN REGARD TO THE NEW YORK COLONY LINE.

In the House of Represent<sup>a</sup>

*Ordered* that Samuel Welles & John Wainwright Esq<sup>rs</sup> Carefully Search the Records of the General Assembly as soon as may be and lay before this Court an acco<sup>t</sup> of the Transactions heretofore in Relation to the Boundary between this Province and the Colony of New York at their next Sitting In Council Read & Concurr'd & Josiah Willard Esq<sup>r</sup> is Joined in the affair. In the House of Represent<sup>a</sup> Read & Concurr'd. [*Passed January 1.*]

Legislative Records of the Council, xvi., 113.

House Journal, p. 154.  
*Ante*, p. 87, chap. 183.

## CHAPTER 195.

ORDER ALLOWING THE ACCO<sup>t</sup> OF THE TREASURER OF SUFFOLK COUNTY.

AN ACCOMPT presented by Samuel Checkly Esq<sup>r</sup> Treasurer of the County of Suffolk for the Year 1733 Having been laid before the Court of General Sessions of the peace for the said County and by them Allowed

Read & Allowed. [*Passed January 1.*]

Legislative Records of the Council, xvi., 113.

House Journal, p. 154.

<sup>1</sup> *Sic.*



## CHAPTER 196.

## ORDER FOR BUILDING A BOAT FOR THE GARRISON AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xvi.,  
113.

House Jour-  
nal, p. 133.  
Province  
Laws, xi., 780,  
chap. 180,  
*Ante*, p. 34,  
chap. 66.

A MEMORIAL of Spencer Phips Esq<sup>r</sup> Commander of his Majestys Castle William Moving That a Boat may be built for the Common use of the Garrison there and for the Saving of the Barge lately Built & also that a shed may be built On the Island for Securing the Boats from the Weather in the Winter Season

Read & in Answer to this petition

*Ordered* That a Suitable Boat be built at the Charge of the Province for the uses mentioned in the Petition and that a Convenient Shed be built on Castle Island to Secure the Castle Barge from the Weather and that the Committee lately Appointed for Effecting the Repairs at Castle William are desired and Impowred to see the said Boat and Shed built Accordingly. [*Passed January 1.*]

## CHAPTER 197.

## ORDER IMPOWERING JOS: ROW TO SURVEY AND LAY OUT 150 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
114. Mass.  
Archives,  
xvi., 194.

House Jour-  
nal, pp. 145, 152.

A PETITION of Joseph Row's Shewing that he served in the Expedition against Port Royal in the Year 1707 and Reced Several Dangerous Wounds which have ever since disabled him from Labour And therefore praying for Relief for himself and family

Read and

*Ordered* that the Prayer of the Petition be granted, and that the Petitioner have leave by a Surveyor & Chainmen on Oath to Survey & lay out one hundred & fifty Acres of the inappropriated Lands of this Province adjoining to Some Township or former Grant, and return a Plat thereof for Confirmation. [*Passed January 1.*]

## CHAPTER 198.

ORDER STAYING CONDITIONALLY AN EXECUTION AGAINST NATH<sup>l</sup> STETSON & OTHERS.

Legislative  
Records of the  
Council, xvi.,  
115.

House Jour-  
nal, p. 154.

A PETITION of Nath<sup>l</sup> Stetson Elijah Stetson and Joseph Cowell Shewing That the said Nathanael was at the Court of Assize for the County of Essex held in May last presented by the Grand Jury for Altering a Rhode Island Bill of Credit of two shillings & Sixpence making it three pounds that on the Trial the said Nath<sup>l</sup> being informed that the Jury found him Guilty with drew himself from the said Court whereby his Recognizance is Forfeited, and is put in Suit and Judgment obtained Against him and the other Pet<sup>rs</sup> who were his Suretys; And for as much as the Verdict of the Jury was for the said Nathanaels Acquittance Therefore praying that No Execution may be Issued on the Judgment against them

Read &

*Ordered* that the prayer of the Petition be so far Granted as that

upon the Principals or Suretys paying into the hands of the Sheriff of the County of Essex the sum of Fifty pounds no Execution be Issued upon the Judgment within Mentioned. [*Passed January 1.*<sup>1</sup>

## CHAPTER 199.

ORDER CONFIRMING A PLAT OF 150 ACRES OF LAND GRANTED TO  
ELEAZER WARD.

A PLAT of One hundred and Fifty Acres of Land Surveyed by Isaac Learned & two Chain men on Oath to fulfill a Grant made by this Court to Eleazer Ward the said Land lying South of Oxford West of New Sherburn being bounded South by Province Land and West on 500 Acres of Land Called the Mine Farm laid out to N Ingham & Company  
Read &

Legislative  
Records of the  
Council, xvi.,  
117. Maps and  
Plans, Mis.,  
viii., 17.

Maps and  
Plans, Mis.,  
viii., 17, 17½, 18.  
House Jour-  
nal, p. 157.  
*Ante*, p. 74,  
chap. 151.

*Ordered* That the plat be Accepted and the Lands within delineated and described be and hereby are Confirmed unto the said Eleazar Ward his heirs and assigns for Ever, provided it exceed not the quantity of One hundred and fifty Acres of Land, & does not interfere with any former Grant, and that the petitioner his heirs or assigns Comply with the Conditions of the Grant. [*Passed April 9.*

## CHAPTER 200.

ORDER APPOINTING A COMMITTEE ON MOSES SPEENS PETITION FOR  
LEAVE TO SELL LAND.

A PETITION of Moses Speen of Natick Indian Shewing that he is a Proprietor of Land there & praying for Liberty to sell some of his Common Rights in Natick in order to his Building a Convenient Dwelling house after the English manner for his Comfortable living in his old Age.

Legislative  
Records of the  
Council, xvi.,  
117.

House Jour-  
nal, pp. 157, 158.

Read &

*Ordered* that M<sup>r</sup> Ebenezer Allen and M<sup>r</sup> Oxenbridge Thatcher be a Committee to whom the Consideration of this petition is Referr'd that they make thorough Inquiry into the Circumstances of the Pet<sup>r</sup> & make Report to this Court in the next may Session what they think Adviseable to be done thereon. [*Passed April 9.*

## CHAPTER 201.

ORDER ANNEXING JOHN POND AND OTHERS TO MEDWAY.

A PETITION of John Pond jun<sup>r</sup> Thomas Brown jun<sup>r</sup> Samuel Pond Richard Puffer Joseph Ellis jun<sup>r</sup> Peter Adams Joseph Ellis Sen<sup>r</sup> & Samuel Fisher Inhabitants of the Northerly part of the Town of Wrentham Shewing that they Join on the Town of Medway & are more Comodiously Situated to do their duty there than in The Town of Wrentham And therefore Praying that they with their Familys &

Legislative  
Records of the  
Council, xvi.,  
117.

House Jour-  
nal, p. 159.

<sup>1</sup> Adjourned to April 9. See Legislative Records of the Council, xvi., 116.

Estates may be set off from Wrentham & Added to the Town of Medway.

Read &

*Ordered* That the Prayer of the Petition be Granted and the Pet<sup>rs</sup> with their Familys Lands and possessions be and hereby are sett off from the Town of Wrentham & annexed and accounted as part of the Town of Medway for the future Agreeable to the vote of the Town of Wrentham of 11<sup>th</sup> day of March past. [*Passed April 10.*]

## CHAPTER 202.

ORDER OF NOTICE ON THE PETITION OF THE INHAB<sup>TS</sup> OF THE NORTHERLY PART OF BOXFORD TO BE MADE A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xvi.,  
118.

House Jour-  
nal, p. 158.

A PETITION of Samuel Tyler<sup>1</sup> and other Inhabitants of the Northerly part of the Town of Boxford Shewing that they live at a Great Distance from the place of Publick Worship in said Town So that many of their Familys are detained at home on the Lords day by Reason of that Difficulty, that they have Erected a Meeting house in that part of the Town And at their own Charge Supported the Preaching of the Gospell among them And therefore praying that they And their familys and Estates may be freed from the Charge (which they 'till now have born) of Supporting the Minister in the Other part of the Town and be Erected into a Seperate precinct by the following Bounds viz<sup>t</sup> from a pine tree standing in Andover line Northerly to the lower end of long Pond, then upon the Pond to the Upper end thereof then between Land of D<sup>r</sup> Wood & Worsters farm and land of Jonathan Kymball and Samuel Spaford to Rogers tree, and so bounded on Rowley Bradford & Andover.

Read &

*Ordered* that the Pet<sup>rs</sup> Serve the Town of Boxford with a Copy of the Petition that they shew Cause if any they have on the first Tuesday of the next may Session why the prayer thereof should not be Granted and the Petition is Referr'd in the mean time accordingly for further Consideration. [*Passed April 10.*]

## CHAPTER 203.

ORDER GRANTING 450 ACRES OF LAND TO CAP<sup>T</sup> JER: STEVENS.

Legislative  
Records of the  
Council, xvi.,  
118.

House Jour-  
nal, p. 159,  
*Ante*, p. 76,  
chap. 154.

A PETITION of Cap<sup>t</sup> Jeremiah Stevens of Salisbury Setting forth his Services in the late Wars with the French and Indians both as a private Soldier & an Officer And therefore praying for a Grant of Province Land whereon to Settle his sons. Read & in Answer to this petition

*Ordered* That four hundred and fifty Acres of Land lying on the East side of Merrimack River next the Grant lately made to M<sup>r</sup> John Blaisdel be and hereby is Granted to the Pet<sup>r</sup> his heirs and assignes. On Condition that the Pet<sup>r</sup> his heirs and assignes do within three Years Settle three familys on the Granted Lands and have each of them a house there of Eighteen feet Square and Seven feet Stnd at the least and also five Acres of land brought to English Grass or broke up by plowing & well Enclosed The Pet<sup>r</sup> to Return a plat of the Land to this Court within twelve months for Confirmation. [*Passed April 10.*]

<sup>1</sup> The House Journal, p. 158, reads, "Job Tyler, Richard Tyler and thirty-eight others."

## CHAPTER 204.

VOTE APPOINTING WM DUDLEY IN PLACE OF FRANCIS FOXCROFT ON  
THE COM<sup>tee</sup> FOR THE NEW TOWN FOR SALEM.

Legislative  
Records of the  
Council, xvi.,  
119.

*Voted* That William Dudley Esq<sup>r</sup> be on the Committee for laying out the New Township Granted to the Town of Salem in the Room of Francis Foxcroft Esq<sup>r</sup> who desires to be Excused from that Service by Reason of Indisposition. [*Passed April 11.*]

House Jour-  
nal, p. 160.  
*Ante*, p. 90,  
chap. 191.

## CHAPTER 205.

VOTE FOR A LAWBOOK FOR TEWKSBURY.

Legislative  
Records of the  
Council, xvi.,  
119.

*Voted* That M<sup>r</sup> Benjamin Eliot be desired to deliver to M<sup>r</sup> Nath<sup>l</sup> Patten the Clerk of the Town of Tewksbury for their use and benefit one of the Province Law Books. [*Passed April 11.*]

House Jour-  
nal, p. 160.

## CHAPTER 206.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE BOUNDARY BETWEEN WRENTHAM AND BELLINGHAM.

THE COMMITTEE Appointed to Repair to the Town of Bellingham and Make Enquiry into and get the best Information by Records or otherwise Respecting the West Line of the Town of Wrentham so far as it Affects the Town of Bellingham and to make Report how the said line ought to be Settled, Report thereon as follows

Legislative  
Records of the  
Council, xvi.,  
119.

House Jour-  
nal, p. 160.  
*Ante*, p. 14,  
chap. 19.

Pursuant to the Order of the Hon<sup>bl</sup> Court the Committee Repaired to the Town of Bellingham and having Considered the Pleas papers Evidences & Allegations of the Agents & Selectmen of the said Towns Respectively, and having also Viewed the Ponds in the said Township of Wrentham mentioned in the Grant of said Town (when Called Walamannpaug) by the Town of Dedham, are of Opinion that the Bounds of the Town of Wrentham According to the true Intent of their Grant ought to have been made by Extending a line five Miles West<sup>ly</sup> from the Westerly part of a pond now Called Blakes pond (which the Com<sup>tee</sup> Deem to be the most Westerly pond Expressed to be within the Situation of the Lotts) Yet in as much as it Appears that the bounds have been Run otherwise by the Select men or Com<sup>tees</sup> of Dedham & Wrentham long agoe before Bellingham was a Township & Since they were made a Township the Select men or Agents of the said Towns of Wrentham and Bellingham Respectivly did Mutually Agree upon & acknowledge one Marked Tree being a Great Red oak marked on four sides & standing about ten or twelve Rods from Charles River near the north End of the line as Appeared by Evidence The Committee are therefore humbly of Opinion that (as a final Issue of all Disputes between said Towns of Wrentham & Bellingham) the bounds between them at the Westerly End of Wrentham be henceforth Stated & Ascertained by line drawn so far as it Relates to said Town Strait North & South & parallel with their east line from said Marked tree. In the name & by order of the Comm<sup>tee</sup>

SAMUEL THAXTER

Read &

*Ordered* that this Report be Accepted and that the lines between the Towns of Wrentham & Bellingham be Stated Accordingly. [*Passed April 11.*]

## CHAPTER 207.

VOTE GRANTING TO JOHN CHANDLER JUN<sup>R</sup> ESQ<sup>R</sup> 150 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
120.

House Jour-  
nal, p. 162.

A PETITION of John Chandler jun<sup>r</sup> Esq<sup>r</sup> Praying The Grant of a Small Tract of the wast Land of the Province upon such Conditions as this Court shall Judge fit in consideration of the Pet<sup>rs</sup> and his Anecestors Services performed for the Province in times past.

Read & in answer to this petition

*Voted* that One hundred and fifty Acres of the Unappropriated Lands of the Province be and hereby is Granted to the pet<sup>r</sup> his heirs & assignes lying next to Some former Grant on the Condition that the Pet<sup>r</sup> his heirs or assignes do within three Years Settle a Good English Family on the Granted premisses and have a house there of Eighteen feet Square and Seven feet Stud at least and also five Acres of Land brought to English Grass or broke up by plowing and well Inclosed, and that the Pet<sup>r</sup> Return a Plat of the Grant within twelve Months to this Court for Confirmation to the Pet<sup>r</sup> his heirs and assignes Accordingly. [*Passed April 11.*]

## CHAPTER 208.

ORDER OF NOTICE ON MARY MELLIDGES PETITION FOR LEAVE TO BRING AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
120.

House Jour-  
nal, p. 161.

A PETITION of Mary Mellidge of Boston shewing that her father Nath<sup>l</sup> Adams After the Death of her Mother & during the Minority of the Pet<sup>r</sup> sold part of a House and Land in Boston which was her Mothers Estate now in the possession of M<sup>r</sup> Jonathan Jackson, that the Pet<sup>r</sup> Deferr'd bringing her Action for Recovery of her Right because of her being Unable to be at the Charge of it, and She is now informed that she is Shut out by Law ; And therefore Praying for the order of this Court to bring her Action as aforesaid.

Read &

*Ordered* that the Pet<sup>r</sup> Serve M<sup>r</sup> Jonathan Jackson with a Copy of this Petition that he shew Cause if any he have on Wednesday next why the prayer thereof should not be Granted.<sup>1</sup> [*Passed April 11.*]

## CHAPTER 209.

ORDER DIRECTING SAM<sup>L</sup> GERRISH TO PERFECT THE RECORD OF DEEDS.

Legislative  
Records of the  
Council, xvi.,  
121.

House Jour-  
nal, pp. 159, 163.

A PETITION of Samuel Gerrish Register of Deeds for the County of Suffolk Shewing that there were Divers Deeds left in the Office at the Death of John Ballantine Esq<sup>r</sup> the late Reg<sup>r</sup> which the Pet<sup>r</sup> hath Since Recorded but has not Signed the Record Apprehending that he has not

<sup>1</sup> At the hearing April 18, 1735, House Journal, p. 181, the petition was dismissed.



power by Law to do it that there are above five hundred Deeds entred in the Books but the Books not Signed by the late Register Praying that this Court would give him proper directions in the premisses.

Province  
Laws, li., 197,  
note.

Read &

*Voted* that the Petitioner M<sup>r</sup> Samuel Gerrish Register of Deeds for the County of Suffolk be and hereby is Enabled and Directed to Certify the Record of the Deeds he found in the Office (and has Since Recorded) According to the time of their Reception into the office noted on the said Deeds and if any shall not be so Noted then their Reception to bear date the first day of his taking the Office And that the Records of the Deeds Entred in the Books before he came into the Office but the Book not Attested be Compared with the original by the said M<sup>r</sup> Gerrish and by him Certified which attestation is hereby Declared Good and valid; And whereas some of the Original Deeds may be in the possession of the Owners and therefore the Record cannot be compared with them to Remedy this the Register is hereby directed to Notify in the Publick News papers that all persons who have Deeds Recorded and not Attested as soon as may be bring their Deeds to the said Office. [*Passed April 12.*]

## CHAPTER 210.

### ORDER GRANTING FURTHER TIME TO THE COMTEE FOR UPPER HOUSATANOCK AFFAIR.

A PETITION of John Ashley Esq<sup>r</sup> and M<sup>r</sup> Thomas Ingersol two of the Committee of this Court Appointed to take Care of the Settlement of the Upper Township at the Housatanuck River Shewing that they have proceeded with all diligence in the affair but have Met with Obstructions more Especially from the Burning of the House of M<sup>r</sup> John Pell of Sheffield Surveyor where their papers were lodged and Consumed; And therefore praying that this Court would allow them one Years time longer for giving in their Report about the Settlement there

Legislative  
Records of the  
Council, xvi.,  
122.

House Jour-  
nal, p. 163.  
Province  
Laws, xi., 72s,  
chap. 41.

Read &

*Ordered* That the prayer of the petition be Granted and the Pet<sup>rs</sup> are Accordingly Allowed twelve months more time from the former order to see the Settlement brought on according to order and Report their doings thereon to the Court. [*Passed April 12.*]

## CHAPTER 211.

### ORDER ADDING THE NAME OF PETER PRESCOT TO THE LIST OF NARRAGANSETT SOLDIERS.

A PETITION of John Symonds Represent<sup>a</sup> of the Town of Boxford Shewing That the said Town have been Charged with the Support of the Widow of Peter Prescott who was a Soldier in the Narraganset War but his name Neglected to be Entred in the List; Praying that it may be now Entred, and that the said Town may have the benefit of his Right in part to Reimburse their further Charge

Legislative  
Records of the  
Council, xvi.,  
122.

House Jour-  
nal, p. 161.  
Province  
Laws, xi., 32s,  
chap. 71.

Read &

*Ordered* that the Prayer of the petition be Granted, and that a full share of a Narraganset Right be and hereby is Granted to the Town of Boxford and their Assignes in consideration of the Services of the

said Peter Prescott who was a Soldier at the Narraganset Fort Fight as appears by a Certificate of the Hon<sup>ble</sup> Timothy Lindall Esq<sup>r</sup> and the said Right be brought forward in the List of Narraganset Soldiers now taking & not before Allowed. [*Passed April 12.*]

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## CHAPTER 212.

### ORDER OF NOTICE ON JN<sup>o</sup> MOOREY & JN<sup>o</sup> SMITHS PETITION FOR LEAVE TO BRING AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
122.

House Jour-  
nal, pp. 163, 166.

A PETITION of John Moorey of London and John Smith of the Same place heir at Law to Thomas Smith deced which said John Moorey and Thomas Smith are heirs at Law to Nicholas Moorey late of Dighton within this province Deced Shewing that Charles Joslyn of Dighton Recovered Judgment Against the said Nicholas Mooreys Estate Under the Administration of his widow in a plea of Debt for £239 & Costs and Execution thereof was levied on a peice of Land at Dighton containing about twenty Acres that the said John Moorey & Thomas Smith tendred the said Joslyn the said Money with Interest and Upon his Refusal to Receive it and deliver up the Land they filed their Bill for Redemption of the premisses in the Clerks office of the Sup<sup>r</sup> Court In December 1733 but before the same could be brought to a Trial the said Thomas Smith died and thereupon the said Plaintiff was Dismiss'd; And for as much as the petitioners are without Remedy in the Ordinary Course of the Law Praying for an order of this Court for Reviving the said Plaintiff or to Impower the Pet<sup>rs</sup> to file a New Bill and to Oblige the said Joslyn to Answer therunto, and the Court to proceed thereupon as they would have done on the former Bill in Case it had not failed by the Death of the said Thomas Smith

Read &

*Ordered* That the Pet<sup>r</sup> Cause Charles Joslyn to be Served with a Copy of this Petition, that so he may shew Cause on the Second Tuesday of the next May Session. if any he have, why the Prayer thereof should not be Granted; and this petition is Referr'd to that time Accordingly. [*Passed April 12.*]

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## CHAPTER 213.

### ORDER ERECTING DIVERS INHABITANTS OF TAUNTON AND DIGHTON INTO A SEPERATE PRECINCT.

Legislative  
Records of the  
Council, xvi.,  
123.

House Jour-  
nal, pp. 164, 165.  
Province  
Laws, ii., 741,  
chap. li. *Ante*,  
p. 65, chap.  
131.

ON THE PETITION of Divers Inhabitants of Taunton and Dighton Praying for a Township [*ante*, p. 65, chap. 131]

Read together with the Answers of the Adverse partys. and the same being fully considered

*Ordered* That the Prayer of the Petition be Granted and the Pet<sup>rs</sup> with their familys and Estates be and hereby are Erected into a Seperate & Distinct Township, Exclusive of John Spar Nicholas Stevens Ebenezer Pitts Abram Tisdale Israel Tisdale & John Tisdale with their Estates as also assonet neck with the Inhabitants Provided the said Town pay towards the Repairing and Maintaining the Bridge over the Great River in Taunton in proportion to what they paid in the last Province Tax and that the Pet<sup>rs</sup> have leave to bring in a Bill Accordingly. [*Passed April 14.*]

## CHAPTER 214.

VOTE IMPOWERING THE TOWN OF GROTON TO SURVEY AND LAY OUT  
10,800 ACRES OF LAND.

A PETITION of Benjamin Prescot Represent<sup>a</sup> of the Town of Groton in behalf of the said Town, Shewing that the original Grant of the said Town was for the quantity of Six miles Square that altho a plat was taken Yet it never was Confirmed till the Year 1717 which was after the Town of Littleton was Granted which took 3,000 Acres from Groton, & Willards & Reads farm, lying within the bounds of Groton took of about 1,300 Acres more so that the Proprietors of Groton have 4,300 Acres of land less than they ought to have According to their Original Grant And therefore praying that this Court would Grant to the Proprietors of the Undivided Lands in Groton a Gore of Province Land lying between Dunstable & Townshend or some other Land as an Equivalent for what is taken from them as afore-said

Read & in Answer to this petition

*Voted* That a Grant of Ten thousand Eight hundred Acres of land lying in the Gore between Dunstable and Townshend be and hereby is made to the Propriet<sup>rs</sup> of the Town of Groton as an Equivalent for what was taken from them by Littleton & Coyacus or Willards farm being about two Acres & an half for one, & is in full Satisfaction thereof & that the said Proprietors be & hereby are allowed & Impowered by a Survey<sup>r</sup> & Chain men on Oath to Survey & lay out the said Ten Thousand Eight Hundred Acres in the Gore, and Return a Plat thereof to this Court within twelve months for Confirmation to them their heirs and assigns forever. [*Passed April 15.*]

Legislative  
Records of the  
Council, xvi.,  
114, 123.

House Jour-  
nal, pp. 94, 119,  
165. Province  
Laws, ix., 435,  
chap. 126; 578,  
chap. 154.

## CHAPTER 215.

## ORDER ON HASSINAMISCO PETITION TO BE ERECTED INTO A TOWN.

A PETITION of the Committee of the Proprietors of Hassinamisco, Shewing that the said Proprietors Saving two or three have fully Complied with the Orders of the General Court Referring to the said Plantation, that they find Great Inconveniencys for want of the priviledges of a Town<sup>1</sup> praying that they may be vested with the same

Read &

*Ordered* That the prayer of the petition be Granted and the Petitioners are allowed to bring in a Bill Accordingly. [*Passed April 15.*]

Legislative  
Records of the  
Council, xvi.,  
124.

House Jour-  
nal, p. 159.  
Province  
Laws, ii., 743,  
chap. 20; xi.,  
233, chap. 36.

## CHAPTER 216.

## VOTE GRANTING 2,629 ACRES OF LAND TO THE TOWN OF ROXBURY.

A PETITION of William Dudley Esq<sup>r</sup> and others a Committee for the Town of Roxbury Shewing That the General Court of the late Colony of the Massachusetts Bay Granted to the said Town Four Thousand Acres of Land in consideration of their being Straitned by the Town

Legislative  
Records of the  
Council, xvi.,  
124.

House Jour-  
nal, pp. 160, 165.

<sup>1</sup> The town was called Grafton.

of Dedham, of which Thirteen hundred and Seventy one Acres only has been taken up; And therefore praying liberty from this Court to take up the Remaining Two Thousand Six hundred & twenty Nine Acres

Read and

*Voted* that for as much as it appears that there was Granted to the Town of Roxbury Anno Dom<sup>1</sup> 1638 Four Thousand Acres of Land and Since that time there has been Granted and taken up of the said Four Thousand Acres to Sundry particular persons interested therein by the Distribution Recorded in the Records of said Town Thirteen hundred & Seventy One Acres and no more, Therefore that the Remaining two Thousand Six hundred and twenty Nine Acres be Allowed to be taken up of the Unappropriated Lands of the Province where it will not Obstruct the being of a Plantation and Surveyed by a Surveyor and Chain men on Oath at the Cost and Charge of the Town of Roxbury, & be by them Distributed in the proportion and to the Legal Represent<sup>ves</sup> of the persons that have not Received their part According to the List thereof in the Records of Roxbury in full Satisfaction of this Grant. [*Passed April 15.*]

## CHAPTER 217.

ORDER CONFIRMING A PLAT OF 1,500 ACRES OF LAND TO CAPT NOAH WISWALL & COMP<sup>a</sup>.

Legislative  
Records of the  
Council, xvi.,  
124. Maps and  
Plans, Mis.,  
x., 3.

Maps and  
Plans, Mis.,  
x., 3. House  
Journal, p. 168.  
*Ante*, p. 75,  
chap. 152.

A PLAT of Fifteen hundred Acres of Land Granted by the General Court to the Officers and Soldiers and their Legal Represent<sup>a</sup> who were at the fight at Lamprey River under the Command of Cap<sup>t</sup> Noah Wiswall laid out by Joseph Wilder Survey<sup>r</sup> and Chain men on Oath, lying between the Towns of Lunenburg and Rutland East of the Wachusett Hills bounding Easterly partly on the Additional Grant to Lancaster and partly on Common lands Northerly partly on Common lands and partly on the South line of the Town of Lunenburg, Westerly and Southerly on Common land, begining at a Pillar of Stones in Lancaster line thence Runing North 25. 00. East with said Lancaster line two hundred & forty Rods to a heap of Stones, thence West 10. 00 North two hundred & Eighty Rods to a heap of Stones, thence North 12. 00 East four hundred Rods to a Chesnut Tree standing in Lunenburg line, thence West 11° 00. north with said Lunenburg Line four hundred Rods to a heap of Stones, thence South 15°. 00 West five hundred and thirty two Rods to a heap of Stones, thence East 21. 00 South One hundred and twenty Rods to a heap of Stones, thence North 15. 00 East Sixty four Rods to a pine tree, thence East 21. 00 three hundred and twenty Rods to a heap of Stones, thence South 15. 00 West Sixty four Rods to a heap of Stones, thence East 21. 00 South One hundred & Seventy two Rods to the place where it began

Read and

*Ordered* That the plat be and hereby is Accepted and the Land therein delineated and described is accordingly confirmed unto the said Gershom Flagg, and the other Grantees mentioned in their petition granted by this Court in December last, their heirs and assigns respectively for Ever, provided they fulfill and duly Comply with the Conditions of the Grant, provided also the plat exceeds not the quantity of fifteen hundred Acres (As the same has been laid out & surveyed by Joseph Wilder surveyor and two Chain men on Oath) and does not interfere with any former Grant. [*Passed April 15.*]



## CHAPTER 218.

## RESOLVE ON THE ACT FOR THE SUPPORT OF THE MINISTRY.

A QUESTION ARISING Upon a Paragraph of an Act passed in the fourth and fifth Years of the Reign of King William and Queen Mary Chap. 21<sup>st</sup> Whether by the Power declared to be in a Gathered Church in any Town or Place within this Province to Chuse a Minister be Intended that such persons as are or have been taken into Communion with Such Church altho they dwell without the Bounds of the Town place or precinct where the Church be Authorized or Supposed to have power to vote or Act in Inviting calling Settling or Seperating from the Minister of such Church. It was

Legislative  
Records of the  
Council, xvi.,  
125.

House Jour-  
nal, pp. 169, 173,  
174. Province  
Laws, i., 102,  
chap. 46; 108,  
note.

*Resolved* in the Negative and Declared that no person in Communion with any Church and dwelling without the Limits of the Town or precinct to which such Church belongs and by which Town or precinct cannot be Rated or Taxed for the Support of their Minister hath nor ever had nor ought to have any vote or power of Acting in inviting calling Supporting Continuing or Seperating from such Minister or any other affair that may Affect the Interest or Charge of any Town or precinct. [*Passed April 16.*]

## CHAPTER 219.

## VOTE GRANTING POWER TO TOWNS TO CHOOSE SURVEYORS OF HEMP AND FLAX.

*Voted* that it shall be in the power of any of the Towns in this Province who have not Chosen a Surveyor of Hemp and Flax for the Year Currant to Chuse that officer at a Regular Town Meeting any time in the Month of May next the Act for Encouraging the Raising of Hemp and Flax within the Province directing the Choice of that Officer not having Reached many of the Towns in the Month of March last. [*Passed April 16.*]

Legislative  
Records of the  
Council, xvi.,  
125.

House Jour-  
nal, p. 169.  
Province  
Laws, ii., 737,  
chap. 15.

## CHAPTER 220.

## VOTE GRANTING FURTHER TIME FOR MAKING OUT THE LISTS OF RATEABLE ESTATES.

WHEREAS in and by the Act Entituled an Act for Enquiry into the Rateable Estate of this Province passed the last Sitting of this Court the Assessors of the Several Towns for the Year Currant were Directed at or before the tenth day of April Instant to take a true and faithfull list or Account of said Estate and many of the Towns of the Province not having Reced the Act timely for the Assessors to do their duty and Service therein directed

Legislative  
Records of the  
Council, xvi.,  
126.

House Jour-  
nal, pp. 168, 169.  
Province  
Laws, ii., 736,  
chap. 14.

*Voted* that the time for the Assessors taking said list be lengthned out to the Twentieth day of May next when the Respective Inhabitants are to give the same Acco<sup>d</sup> of their Polls and Estates Real and personal as they should have done on the said tenth of April at or before which



period the said Assessors are strictly Enjoyned to do the Duty and Service therein Required on the penalty in the said Act mentioned. [*Passed April 16.*]

## CHAPTER 221.

### ORDER IMPOWERING THE HEIRS OF CAPT JOHN MYLES TO SURVEY AND LAY OUT 600 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
91, 126.

House Jour-  
nal, p. 126.  
Province  
Laws, ix., 94,  
chap. 117.

A PETITION of John Miles Sarah Price & Ann Creese Children & heirs of Cap<sup>t</sup> John Miles deced, Shewing That he Served the Province as Commander of the Sloop Phinex, that he Convoysed a Great Number of Vessells in time of War and protected them from the Enemy; that he lost his life in a Fight with a French privateer; by which his Family were great Sufferers; And therefore praying that the pet<sup>rs</sup> may have Some Allowance from this Court for the same.

Read & in Answer to this petition

*Ordered* that the pet<sup>rs</sup> have leave by a Surveyor and Chain men on Oath to Survey and lay out Six hundred Acres of the Unappropriated Lands of the Province Adjoyning to some Township or former Grant and Return a plat thereof to this Court within twelve Months for Confirmation to them their heirs & assignes for Confirmation. [*Passed April 16.*]

## CHAPTER 222.

### ORDER GRANTING TO MR JN<sup>o</sup> BLAISDELL AN ADDITIONAL 100 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
126.

House Jour-  
nal, p. 158.  
*Ante*, p. 76,  
chap. 154.

A PETITION of M<sup>r</sup> John Blaisdel of Amesbury Shewing that the three hundred Acres of land on merrimack River which was Granted him on Condition of his Settling two familys is so mean as it is not Capable of Supporting two familys And therefore praying for Addition of Land to the Eastward of said Tract.

Read & in Answer to this petition

*Ordered* That One hundred Acres of The Province Land lying Eastward of the three hundred Acres within mentioned be and hereby is Granted to the Pet<sup>r</sup> his heirs and Assignes and that he Return a Plat of the whole to this Court within twelve Months for Confirmation. [*Passed April 16.*]

## CHAPTER 223.

### ORDER IMPOWERING SAMUEL KNEELAND TO SURVEY AND LAY OUT 250 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
115, 127.

House Jour-  
nal, pp. 154, 155.

A PETITION of Samuel Kneeland of Boston Shewing that he has officiated as Clerk to the Narraganset Company and has Spent much time and Labour in that Service, Whereby he has not only Served the said Company but Eased the Committees of the General Court of a Great Deal of Trouble in finding out Mistakes in the Lists & Rectifying them, for which he has not Received any Satisfaction; And therefore praying for a Grant of Province Land

Read & in Answer to this petition,

*Ordered* that the Pet<sup>r</sup> have leave by a Survey<sup>r</sup> and Chainmen Under Oath to Survey and lay out two hundred and fifty Acres of the Unappropriated Lands of the Province, lying between Lancaster Lunenburg & Rutland and one of the Narragansett Towns, near Wachuset, Adjoining to the said Narragansett Town, and Return a plat thereof to this Court within twelve Months for Confirmation. [*Passed April 16.*]

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## CHAPTER 224.

ORD<sup>R</sup> ALLOWING £7 TO CAP<sup>T</sup> DAN<sup>L</sup> HENCHMAN.

THE REMAINS of a Number of Bills of this Province of the value of Seven pounds Saved out of the Fire which lately consum'd an house in Connecticutt being the property of Cap<sup>t</sup> Daniel Henchman of Boston being laid on the Table

Legislative  
Records of the  
Council, xvi.,  
127.

House Jour-  
nal, p. 176.

*Ordered* that M<sup>r</sup> Treasurer Allen be and hereby is directed to Exchange the Remains of said Bills & deliver Bills of this Province to the value of Seven pounds to the said Cap<sup>t</sup> Dan<sup>L</sup> Henchman; said Remains to be burnt when the next torn & defaced Bills of this Province shall be burnt. [*Passed April 17.*]

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## CHAPTER 225.

VOTE FOR A LAW BOOK TO THE TOWN OF LITCHFIELD.

*Voted* that M<sup>r</sup> Benjamin Eliot be desired to Deliver to M<sup>r</sup> Aquila Underwood Town Clerk of the Town of Litchfield One of the Province Law Books at the Publick Charge to be for the use of the said Town. [*Passed April 17.*]

Legislative  
Records of the  
Council, xvi.,  
127.

House Jour-  
nal, p. 176.

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## CHAPTER 226.

VOTE ERECTING INHABITANTS OF MENDON AND UXBRIDGE INTO A TOWNSHIP.

THE COMMITTEE Appointed by the General Court Decem<sup>r</sup> 26: 1734 to Repair to the Outlands of the Several Towns of Mendon, Uxbridge, Sutton & Hopkinton petitioned for by John Hazelton and Others and Surveyed by M<sup>r</sup> John Jones Survey<sup>r</sup> and Described in a plan preferr'd With the said petition, & Containing in the whole Twelve Thousand Nine hundred & forty Acres to be set off and be Erected into a Separate Township,<sup>1</sup> Having Accordingly Repaired to the said Land Carefully viewed the same, and heard the partys are humbly of Opinion that all the aforesaid lands together with an Addition of One hundred & fifty one Acres taken off M<sup>r</sup> John Rockwoods Farm as also another Addition of Thirty five Acres taken off M<sup>r</sup> Tylers Farm, which will Straiten the lines of said Township, And the whole is Agreeable to and in all Respects described by a plan herewith presented & Surveyed by John Jones Esq<sup>r</sup> Containing in the whole (Including the aforesaid Additions) Thirteen Thousand One hundred & Nineteen Acres) be Sett off a Separate and Distinct Township<sup>1</sup> And that the Inhabitants of said Townships be vested with all the powers and

Legislative  
Records of the  
Council, xvi.,  
128.

Legislative  
Records of the  
Council, xvi.,  
18, 103. House  
Journal,  
pp. 140, 175.  
Province  
Laws, ii., 764,  
chap. 11; xi.,  
765, chap. 143.

<sup>1</sup> The town was called Upton.

Immunitys that other Towns within this province by Law do or ought to Enjoy

In the name & by order of the Com<sup>tee</sup>  
Boston Ap<sup>l</sup> 10. 1735

EBEN<sup>R</sup> BURRILL

In Council Read & Accepted with the Amendm<sup>t</sup> viz<sup>t</sup> The whole of M<sup>r</sup> Tylers Farm to be taken off. In the House of Represent<sup>a</sup> Read & Concurr'd. [*Passed April 17.*]

## CHAPTER 227.

ORDER IMPOWERING JOHN OVERING ESQ<sup>R</sup> TO SURVEY AND LAY OUT  
250 ACRES LAND.

Legislative  
Records of the  
Council, xvi.,  
129.

House Jour-  
nal, pp. 170, 171.

A PETITION of John Overing Esq<sup>r</sup> Shewing that for divers Years past he has Attended the Court of Assize as Council for the King in Capital and other Criminal Cases, and has been at great pains and Expence in doing those Services in the Most Remote parts of the province and praying for Some Recompence from this Court Read & in Answer to this petition

*Voted* That two hundred and fifty Acres of the Unappropriated Lands of this Province be and hereby are Granted to the petitioner John Overing Esq<sup>r</sup> his heirs and assignes and that he be allowed and Impowred by a Surveyor & Chain man on Oath to Survey and lay out the said Grant so as not to prejudice the Settlement of a New Town and to lay it next to some former Grant A Plat thereof to be Returned to this Court within twelve Months for Confirmation to the Pet<sup>r</sup> his Heirs & Assignes forever. [*Passed April 17.*]

## CHAPTER 228.

VOTE ON THE PETITION OF THO<sup>S</sup> WELLS & W<sup>M</sup> RICHARDSON.

Legislative  
Records of the  
Council, xv.,  
504; xvi., 94,  
129.

Mass.  
Archives, cxv.,  
830. Maps and  
Plans, Mis.,  
ix., 13. House  
Journal,  
pp. 134, 140, 141  
(February,  
1733); pp. 114,  
178.

A PETITION of Thomas Wells & William Richardson in behalf of them selves & others to the Number of ninety five, who have with great Labour & Charge cleared a way from Lancaster to Sunderland; <sup>1</sup> which will be greatly for the Service of the Province, Praying in consideration thereof for a Tract of Land for a Township. <sup>2</sup>

In the House of Represent<sup>a</sup> Read &

*Ordered* that this Petition be Revived, and in Answer thereto,

*Voted* that the prayer of the petition be Granted, and that the pet<sup>rs</sup> be allowed and impowred by a Survey<sup>r</sup> and Chainmen on oath to Survey and lay out a Tract of the Unappropriated Lands of this Province of the Contents of Six Miles Square, and Return a plat thereof to this Court for Confirmation in twelve months, the land to be laid out at or near the highway the Pet<sup>rs</sup> have laid out & Cleared from Lancaster to Sunderland as by the Plat Accom[p]anying the Petition Appears, and Adjoyning to the Equivalent lands and Hadley Farms near Sunderland, and over or above the aforesaid Way so as not to prejudice the laying out a Town: Which Grant is hereby made to the Ninety five Pet<sup>rs</sup> who have Subscribed the petition and in Satisfaction for their Service in Clearing the said Way and upon their performing the following Conditions viz<sup>t</sup> That the Grantees within the Space of four Years after the

<sup>1</sup> The House Journal, p. 114, reads, "Lancaster to Deerfield."

<sup>2</sup> The town was called Roadtown, afterwards Shutesbury.

Return or Acceptance of the Plat shall Settle Sixty familys on the said Lands each of whom to Build a Dwelling house of Seven feet Stud and Eighteen feet Square, Clear and break up four Acres of Land for Tillage, Clear and Stock four Acres for English Grass, and also lay out three Lotts thro' out all their Divisions in Equal Shares with the Sixty Other Proprietors Lotts, one whereof to be for the first Settled Minister, One for the Ministry, and One for the School, and also that they Build a Convenient Meeting house, and Settle A Learned & orthodox minister, And that the Grantees further Clear and fit the aforesaid highway for a Good Cart way all which Conditions to be performed within the said Term of four years And in Case any of the Grantees shall fail of performing the Conditions aforesaid Such Respective Grantees Lotts shall Revert to the Province<sup>1</sup>

In Council Read & Concurr'd with the Amendments viz<sup>t</sup> provided each Grantee Give Bond in the sum of Forty pounds to the Treasurer of the province for the time for the fulfilling the Conditions of this Grant And that Edmond Quincey Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> house of Represent<sup>a</sup> be a Committee to take Care that Bonds be given Accordingly The said Township to ly within the County of Hampshire

In the House of Represent<sup>a</sup> Read & Concurr'd and John Chandler Esq<sup>r</sup> and Cap<sup>t</sup> Ephraim Wilder are Joined in the affair.<sup>2</sup> [*Passed April 17.*]

## CHAPTER 229.

### VOTE ON THE PETITION OF EPH HILDRETH & JOHN SHIPLEY FOR A GRANT OF LAND FOR A TOWNSHIP.

A PETITION of Ephraim Hildreth & John Shipleigh for themselves & others Soldiers under the Command of Cap<sup>t</sup> Will<sup>m</sup> Tyng decēd Shewing that they Served the Province as Voluntiers in the Indian War & in the Year 1703 performed a hard & difficult March in the Winter Season with Snow Shoes as far as Winnepesocket Lake & Killed Six of the Enemy that the said Company were the first that attempted to March against the Enemy with Snow Shoes Since which the same Method has been followed with Great Success Against the Indians And therefore praying for a Grant of Land of Six Miles Square for a Township for the officers & Soldiers of said Company now living & the Represent<sup>a</sup> of those that are Deceased.

Legislative  
Records of the  
Council, xvi.,  
88, 129.

House Jour-  
nal, pp. 121, 178,  
179. Province  
Laws, viii., 42,  
chap. 93.

In the House of Represent<sup>a</sup> Read &

*Ordered* That the peti<sup>rs</sup> have leave by a Surveyor and Chainmen on Oath to Survey & lay out between the Townships of Litchfield & Suncook or Lovels Town on the East side of Merrimack River the Quantity of Six Miles Square of Land Exclusive of Robert Rands Grant and the three Farms pitched Upon by the Hon<sup>ble</sup> Samuel Thaxter John Turner and William Dudley Esq<sup>r</sup> to Satisfy their Grants and also Exclusive of Two hundred Acres of Land at the Most Convenient place at Ameeskeeg Falls; which is hereby Reserved for Publick use and benefit of the Inhabitants of this Province for the taking & Curing of Fish there And that they Return a Plat thereof to this Court within twelve Months for Confirmation to the Pet<sup>rs</sup> & their associates their heirs and assigns Respectively Provided the Grantees do Settle the abovesaid Tract with Sixty familys within four years from the Con-

<sup>1</sup> The Council at first noncurred in this vote, but afterwards reconsidered, and then took the action following.

<sup>2</sup> The record of the foregoing in the Mass. Archives is confused.

firmation of the Plat each family to have an house of Eighteen feet square and Seven feet Stud at least and four acres brought too & Plowed or Stocked with English Grass and fitted for Mowing and also lay out three lotts with the Others one for the first Minister One for the Ministry and one for the School and within the said Term Settle a Learned Orthodox Minister and Build a Convenient House for the Publick Worship of God And whereas Divers persons for whose Merit this Grant is made are deceased It is further

*Ordered* That the Grant shall be and belong to some one of his Male Descendants wherein the preference shall be Given to the Eldest Son And further it is

*Ordered* that these persons Shares in this Grant shall Revert to the Province who shall not perform the Conditions as above

In Council Read and Concurr'd with the Amendments viz<sup>t</sup> That the Tract of Land therein Granted Extend three Miles Eastward from the River Merrimack conformable to the Settlement of the Divisional line betwixt this province and the province of New Hampshire Made by Order of King Charles the Second in Council in the twenty Ninth Year of his Reign Anno Dom<sup>i</sup> 1677, that the Grantees be Admitted by a Committee of this Court who shall take Care that Bonds be given for their Respective performance of the Conditions of this Grant to the Treasurer of the Province for the time being to the value of Twenty pounds for each Grantee, as well by such as personally appear as by those who are Desendants as abovesaid who may Appear by their Guardian or next Friend. And that William Dudley Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>s</sup> be a Committee for the purpose above mentioned

In the House of Represent<sup>s</sup> Read & Concurr'd and Col<sup>o</sup> Prescott & Cap<sup>t</sup> Tomson are Joined in the affair. [*Passed April 17.*]

## CHAPTER 230.

### ORDER FURNISHING LAW BOOKS TO THE TOWNS.

Legislative  
Records of the  
Council, xvi.,  
130.

House Jour-  
nal, p. 184.

*Ordered* that such of the Towns of this Province as have not already had a Province Lawbook and such Towns as shall hereafter be Erected and Constituted by this Court shall be furnished with one of the Province Law Books at the Province Charge. [*Passed April 18.*]

## CHAPTER 231.

### ORDINANCE REFERRING TO THE SAFE KEEPING OF THE ROLLS OF ACTS.

Legislative  
Records of the  
Council, xvi.,  
130.

AN ORDINANCE for the better preserving the Acts or Laws of this Province from Damage by Vermin, as also in Aid of some that are already Damified

WHEREAS Fifteen of the Acts or Laws of this Province enrolled on Parchment upon Search are found to be much Damified by Vermin and Otherwise The Titles whereof together with the Circumstances and Conditions wherein they are found are Contained in a Schedule hereto annexed as also one more Act or Law Entituled an act for affirming former Judgments and providing for Executions not to be found in the Parchment But for as much as all the said Sixteen Acts had the



Royall Approbation in the Reign of the late King William the third and are Entred at large in a Book of the Acts or Laws of this Province Compared and Attested by the late M<sup>r</sup> Secretary Addington and not only so but printed in an Old Lawbook of the said Secretary Addingtons Certified by S<sup>r</sup> William Phipps then Governour Under his own hand Writing and Countersigned by the said Secretary with the Seal of the Province Annexed which now belongs to the Province by the Gift of the Hon<sup>ble</sup> Addington Davenport Esq<sup>r</sup>.

BE IT THEREFORE ORDAINED By His Excellency the Governour Council and Represent<sup>a</sup> in General Court Assembled and by the Authority of the same That the Sixteen Acts aforesaid be fairly Engrossed in Parchment and the fifteen of them which are found Defaced be Annexed to the Transcripts Respectively and that a proper Certificate be Entred on each of the Transcripts Respectively in the name and by Order of the General Court, to be Lodged with the Publick Records of the Province, The Certificates to take Notice of the said Acts being all Signed by S<sup>r</sup> William Phips Governour at that time, and Countersigned by the Secretary Under the Seal of the province, & that they all had the Royall Sanction, & that they are all Entred at large in a publick Book of Records of the Province Compared and Attested by M<sup>r</sup> Secretary Addington; and to prevent any hurt to the Rolls of the Acts or Laws of the Province for the future either by Vermine or the Decay of time

BE IT FURTHER ORDAINED by the Authority aforesaid that they be Deposited by the Secretary for the time being in a Box or Boxes of Wood & Covered with Tin to be prepared for that purpose and that the printed Law Book before mentioned be Lodged in the Secretaries office with the Publick Records of the Province.<sup>1</sup> [*Passed April 18.*]

## CHAPTER 232.

### VOTE ON ROXBURY AFFAIRS.

A PETITION of Joseph Heath Esq<sup>r</sup> and others a Committee of the first Parish in Roxbury Shewing that they are in difference with the other Parish Respecting the Bounds between them, who have Misconstrued the Order of the General Court for Setting them off; And therefore praying that a hearing may be had of their Affair before the Whole Court, that so Evidences in the Case may be produced & Considered

Legislative  
Records of the  
Council, xvi.,  
127, 131.

House Jour-  
nal, pp. 171, 180,  
184. Province  
Laws, xi., 774,  
chap. 164.

In Council, A Hearing having been had before both Houses between the Agents of the two Parishes in the Town of Roxbury upon the Difference between the said Parishes Referring to their Respective bounds And forasmuch as after all the Methods already taken by the Several Applications of the partys to this Court the affair Still Appears to be Attended with Difficulty and Uncertainty

Ordered That Ezekiel Lewis & Jacob Wendell Esq<sup>rs</sup> With such as the Hon<sup>ble</sup> house shall appoint be a Committee to View the Town of Roxbury first Notifying the Agents for the two Precincts of the time of their coming and that they consider the Situation and Circumstances of each Precinct and then Determine upon such Divisional line between them as they shall think most Reasonable and Convenient and make Report thereof to this Court Provided that the said Precincts do not Agree the Matter between themselves by the last day of July next; And all processes in the Law Respecting the Taxes Assessed by the Respective precincts are Suspended in the mean time

<sup>1</sup> Not found in the House Journal.

In the House of Represent<sup>s</sup> Read & Concurr'd and Samuel Danforth and Elisha Busby Esq<sup>rs</sup> & M<sup>r</sup> Tho<sup>s</sup> Cushing Esq<sup>rs</sup> are Joined in the Affair. [*Passed April 18.*]

## CHAPTER 233.

### ORDER FOR A TOWN MEETING AT BERKLEY.

Legislative  
Records of the  
Council, xvi.,  
131.

House Jour-  
nal, p. 178.

*Ordered* that M<sup>r</sup> Gershom Crane a Principal Inhabitant of the New Town lately made out of Taunton & Dighton be and hereby is Authorized & Impowred to Call the first Meeting of the Freeholders and Inhabitants there lawfully Qualified to Assemble and Convene in some Convenient time and place to Chuse Town Officers to Stand Untill the next Anniversary March Meeting. [*Passed April 18.*]

## CHAPTER 234.

### ORDER FOR TOWN MEETING AT GRAFTON.

Legislative  
Records of the  
Council, xvi.,  
132.

House Jour-  
nal, p. 178.  
*Ante*, p. 90,  
chap. 215.

*Ordered* That M<sup>r</sup> Thomas Pratt one of the Principal Inhabitants of the New Town lately made at the Plantation Called Massanimisco in the County of Worcester be and hereby is Authorized and Impowred to Assemble the Free holders and others Inhabitants there to make Choice of Town officers to stand Untill the Anniversary meeting in March next. [*Passed April 18.*]

## CHAPTER 235.

### ORDER FOR A MEETING OF THE GRANTEES OF THE TOWN GRANTED TO THO<sup>s</sup> WELLS &c.

Legislative  
Records of the  
Council, xvi.,  
132.

House Jour-  
nal, p. 180.  
*Ante*, p. 104,  
chap. 228.

*Ordered* That Thomas Wells Esq<sup>r</sup> is hereby fully Authorized and Impowred to Assemble the Grantees of the New Township<sup>1</sup> lately Granted to Thomas Wells and William Richardson & others lying in the County of Hampshire in order to Chuse a Com<sup>tee</sup> for Regulating their affairs and a Proprietors Clerk and for Transacting such other things as they may think proper for Carrying on the Settlement of that place. [*Passed April 18.*]

## CHAPTER 236.

### ORDER ACCEPTING THE COMMITTEES REPORT ON THE LIST OF NARRAGANSETT SOLDERS.

Legislative  
Records of the  
Council, xvi.,  
132. Mass.  
Archives,  
cxiv., 110.

Mass.  
Archives,  
cxiv., 103.  
Legislative  
Records of the  
Council, xv.,

THE REPORT of the Committee Appointed to take an Exact list of the Narragansett Soldiers (on the said List) is as follows viz<sup>t</sup>

The Committee directed to prepare a Correct and Exact list of the Grantees of the Seven Narragansett Townships lately laid out by order of the Great and General Court humbly Offer the aforewritten list of Eight hundred & forty persons for Confirmation Which they have prepared with Great pains and with the Utmost faithfulness

By order of the Committee

SAMUEL WELLES

<sup>1</sup> This township became Shutesbury.

Read and

*Ordered* that this Report be Accepted and the several persons<sup>1</sup> within named are hereby declared to be the Grantees of the seven Naraganset Towns above mentioned to have and to hold the same to them their heirs & assigns respectively according to the Conditions of the Grant. [*Passed April 18.*]

503. House Journal, p. 177. Province Laws, xi., 796, chap. 222.

## CHAPTER 237.

VOTE FOR A PROCLAM<sup>A</sup> ABOUT NEW HAMPSHIRE NOTES.

*Voted* That his Excellency the Governour be desired to issue forth a proclamation to Caution all his Majestys Subjects in this province from taking any of the Notes lately issued by a number of persons in the Province of New Hampshire, to prevent the Mischiefs & penalty mentioned in the Act lately passed for that purpose, And that the said proclamation be forthwith printed & dispersed thro' the province and posted up in Some publick place in every Town therein by the Town Clerk of each Town. [*Passed April 18.*]

Legislative Records of the Council, xvi., 132.

House Journal, p. 182. Province Laws, ii., 743, chap. 21.

## CHAPTER 238.

ORDER ALLOWING £25 TO CAPT JN<sup>O</sup> LARRABEE.

A PETITION of Cap<sup>t</sup> John Larrabee Victualler of the Garrison at Castle William Shewing that all sorts of provision more Especially Bread are advanced in their price since the last Establishment for Victualling said Garrison And therefore praying for such an allowance as may prevent his being a Loser by his Undertaking Read & in Answer to this petition

Legislative Records of the Council, xvi., 132.

House Journal, p. 164. *Ante*, p. 9, chap. 4.

*Ordered* That the sum of Twenty five pounds be Granted and paid out of the publick Treasury to the Pet<sup>r</sup> in full Consideration of the prices of some Sort of provisions being Risen since the last Establishment for Victualling the Garrison at Castle William. [*Passed April 18.*]

## CHAPTER 239.

ORDER ALLOWING £1,000 TO THE COM<sup>TEE</sup> FOR REPAIR<sup>G</sup> THE CASTLE.

A MEMORIAL of the Committee Appointed to take Care of the Repairs of the Castle Shewing that the money already Granted for that Service is Expended in the Works that are Effected And for as much as the Memorialists are directed to build a Battery on the East End of the Island Therefore praying that a sum of money may be Advanced to them that so the Materials may be purchased and the work done the Cheaper Read & in Answer to this Memorial

Legislative Records of the Council, xvi., 133.

House Journal, p. 184. *Ante*, p. 43, chap. 92.

*Ordered* That the sum of One Thousand pounds be Granted and paid out of the Publick Treasury to the Committee of this Court Appointed to Effect the Repairs and Erect the Battery at his Majestys Castle William within mentioned agreeable to the former vote of this Court. [*Passed April 18.*]

<sup>1</sup> The list of names in Mass. Archives, cxiv., pp. 103–110, is incomplete. The names can, no doubt, be found in the records of the respective towns.

## CHAPTER 240.

## ORDER IMPOWERING HENRY WHITTEN TO FILE AN APPEAL.

Legislative  
Records of the  
Council, xvi.,  
133.

House Jour-  
nal, p. 183.  
*Ante*, p. 52,  
chap. 104.

ON THE PETITION of Henry Whitten [*ante*, p. 52, chap. 104]

Read And it Appearing that the Adverse party William Daniels hath been duly Served with a Copy of this petition and a former petition therein Referr'd to thô he hath not thot fit to give in any Answer thereto And the Matter being fully considered,

*Ordered* That the prayer of the petition be Granted And the pet<sup>r</sup><sup>1</sup> is Accordingly enabled to file his Reasons of Appeal in the Action mentioned the said Appeal to be tried at the next Superiour Court of Judicature to be holden at Boston within and for the County of Suffolk on the Second Tuesday of August next, and the Justices of the said Court are hereby Impowred and Directed to hear & determine the said Cause, provided the pet<sup>r</sup><sup>1</sup> Serve the Adverse party with a Copy of this order at least fourteen days before the Sitting of the said Court. [*Passed April 18.*]

## CHAPTER 241.

## ORDER ALLOWING £120 TO ROBT BALL.

Legislative  
Records of the  
Council, xvi.,  
134.

House Jour-  
nal, p. 182.  
*Ante*, p. 24,  
chap. 43.

A PETITION of Robert Ball Keeper of the Light house Shewing that the Establishment of his Salary for that Service was only for one Year, which Expired in November last And therefore praying that an Allowance may be made for his Services for such a Term as may be Judged proper

Read & in Answer to this petition

*Ordered* That the sum of One hundred and twenty pounds be Granted and paid out of the Publick Treasury to the pet<sup>r</sup> Robert Ball for his Service as Keeper of the Light house for the Year Currant, to be Accounted from the 8<sup>th</sup> Day of Decem<sup>r</sup><sup>2</sup> last. [*Passed April 18.*]

## CHAPTER 242.

ORDER OF NOTICE ON THE PETITION OF SOUTH INHAB<sup>TS</sup> OF MALDEN TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council, xvi.,  
134.

House Jour-  
nal, p. 183.

A PETITION of the South Church with the Inhabitants of the South part of Malden Shewing that they have built a Meeting house for the Publick Worship of God and Maintained A Minister for Divers Years past And therefore praying that they may be sett off from the other part of the Town and Constituted a Separate precinct and may have a proportionable part of the Ministerial Lands there Assigned them

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Town of Malden or the Congregation Usually Attending the Ministry of the Rev<sup>d</sup> M<sup>r</sup> Emerson with a Copy of this petition that so they give in their Answer on the first Tuesday of the next May Session.<sup>3</sup> [*Passed April 18.*]

<sup>1</sup> *Sic*, but "Petitioner" in the State Library copy, Legislative Records of the Council, xvi., 133.

<sup>2</sup> The House Journal reads, "November last."

<sup>3</sup> At the hearing in the May session this petition was dismissed, House Journal, p. 14.

## CHAPTER 243.

## ORDER IMPOWERING JOS: STOCKBRIDGE TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Joseph Stockbridge of Hannover in the County of Plymouth Shewing that upon his petition to this Court in Febr̄y 1733 he obtained an order for Liberty to bring his Writ of Review to the Sup<sup>r</sup> Court in the s<sup>d</sup> County in an Action between him and Job Otis Referring to the Bounds of their Lands But upon Suggestion of some Defect in the order of the Court they Refused to try the Action And therefore praying that this Court would give such Order in the premisses as may be Effectual to Obtain a Trial for him by a Jury.

Read &

*Ordered* That Joseph Stockbridge the Pet<sup>r</sup> be Enabled to bring his writ of Review before the Superiour Court to be holden at Plymouth for the County of Plymouth on the Tuesday next before the last Tuesday of April which will be in the Year 1736 And the Justices of the said Court are hereby Impowred and directed to try the said Cause by a Jury Notwithstanding the Reference thereof and Judgment founded thereon, which Upon bringing this writ of Review is hereby set aside and made Null and void, and to Enter up Judgment and Award Execution Accordingly. [*Passed April 18.*]

Legislative  
Records of the  
Council, xvi.,  
134.

House Jour-  
nal, p. 171.  
Province  
Laws, xi., 766,  
chap. 146.

## CHAPTER 244.

## ORDER IMPOWERING THE ASSESSORS OF LITCHFIELD TO LEVY AND COLLECT A TAX OF TWO PENCE PER ACRE ON LANDS.

A PETITION of Aquila Underwood in behalf of the Town of Litchfield praying That the Inhabitants of the said Town may be Impowred to assess the lands of the Resident as well as Non Resident proprietors at one penny *p* Acre *p* Annum for such term of time as this Court shall Judge fit to Defrey the Ministerial Charge and the Building a Meeting house in the Said Town

Read and in Answer to this petition

*Ordered* That a Tax of two pence *p* Acre *p* annum be and hereby is laid on all the lands lying in the Town of Litchfield belonging to the Non Resident or Resident proprietors there for three Years next coming; and the assessors of Said Town are hereby allowed and Impowred to assess the said Tax which is hereby appropriated for building their meeting house; and the better to Enable the said Town to Defrey the Charge of the Support of the Ministry among them

And the Collectors of the said Town for the time being are also Impowred & Required to Collect and pay in the said Tax accordingly, and the said lands are Subjected to the payment of the same Agreeable to the Desire of the Non Resident Proprietors. [*Passed April 18.*]

Legislative  
Records of the  
Council, xvi.,  
135.

House Jour-  
nal, p. 176.



## CHAPTER 245.

ORDER IMPOWERING THE ASSESSORS OF NORTH YARMOUTH TO LEVY  
AND COLLECT A TAX OF ONE PENNY PER ACRE ON LAND.

Legislative  
Records of the  
Council, xvi.,  
135.

House Jour-  
nal, p. 180.

A PETITION of the Selectmen of the Town of North Yarmouth praying that this Court would Order that the Inhabitants of said Town may be Impowred to lay a Tax of two pence *p* Acre *p* annum on all the Appropriated Lands of the Said Town (by Law not Exempted) for the Space of three Years next coming for paying the said Towns Debts their Ministers Salary and for defreying other Necessary Emergent Charges

Read and in Answer to this petition

*Ordered* That a Tax of One penny *p* acre be and hereby is Set upon all the Appropriated Lands in the Town of North Yarmouth for the Year Currant for the uses within mentioned; and the Assessors of the said Town are Impowred and Directed to make an Assessment of the Same, And the Constables or Collectors are Required to Collect and pay in the said Tax, and the Lands are Subjected to the payment thereof Accordingly. [*Passed April 18.*]

## CHAPTER 246.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND GRANTED TO GOV<sup>R</sup>  
BELCHER.

Legislative  
Records of the  
Council, xvi.,  
135. Maps and  
Plans, Mis.,  
x., 8.

Maps and  
Plans, Mis.,  
x., 8. House  
Journal,  
pp. 180, 181.  
*Ante*, p. 69,  
chap. 139.

A PLAT of Five hundred Acres of Land laid out by Jonas Houghton Survey<sup>r</sup> and Chain men on oath being part of One Thousand Acres Granted by the General Court in Decem<sup>r</sup> 1734 to his Excellency Jonathan Belcher Esq<sup>r</sup> lying three Miles to the Eastward of Sunderland East bounds, being bounded Round by Unappropriated Lands begining at a Walutt tree and heap of Stones and Runing West two hundred and Eighty perch to a pine tree Marked **IB** and from thence South two hundred and Eight perch to a Stake and pillar of Stones,<sup>1</sup> from thence two hundred and Eighty perch to a Red Oak and a few little Stones about it, from thence two hundred and Eighty perch to the place Where it first began<sup>2</sup>

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described are hereby Confirmed to His Excellency JONATHAN BELCHER Esq<sup>r</sup> Captain General and Governour in Chief of this province his heirs and Assigns for Ever to satisfie part of a Grant of this Court of One thousand Acres of Land made to His Excellency in December last, provided it exceeds not the quantity of Five hundred Acres, and does not interfere with any former Grant. [*Passed April 18.*]

<sup>1</sup> In the Secretary's copy, the words beginning with "From" through the word "Stones" are repeated, but not in the State Library copy, Legislative Records of the Council, xvi., 136.

<sup>2</sup> In Maps and Plans, Mis., x., 8, the dimensions are 280 perch on each side.

## CHAPTER 247.

VOTE GRANTING 1,350 ACRES OF LAND TO SAM<sup>L</sup> KENDALL & OTHERS.

A PETITION of Samuel Kendall & Eleven others Shewing that they have purchased of the province Certain lands at a place Called Turkey Hills (now the Town of Townshend) that since their taking up their lotts it Appears that a Tract of land Called Hawthorns farm was formerly laid out in the Same place, So that they will loose the land upon which they have Made Considerable Improvem<sup>ts</sup> Praying that this Court would Grant them an Equivalent for the land they will hereby loose

Legislative  
Records of the  
Council, xvi.,  
136.House Jour-  
nal, p. 173.  
Province  
Laws, xi., 653,  
chap. 9.

Read &amp;

*Voted* That Thirteen hundred and fifty Acres of the Unappropriated Lands of this province be Granted (in answer to this petition) to Such of the Grantees of the Town of Townshend as had their Lotts laid out on Hawthorns Farm, each one to draw a part in proportion to the Number of Acres in his Lott included in said Farm to be laid so as not to prejudice a Town ship or Infringe on any former Grant, provided the pet<sup>rs</sup> Receive no benefit by the vote of the proprietors. [*Passed April 18.*]

## CHAPTER 248.

ORDER ALLOWING HAN<sup>A</sup> BRIGHAM AS ADMINISTRATRIX TO SELL LAND AND EXECUTE DEED OF CONVEYANCE.

A PETITION of Hannah Brigham Adm<sup>x</sup> de bonis non of John Brigham of Sudbury deced<sup>d</sup> Shewing that whereas this Court were pleased to Impower Martha Brigham Ex<sup>x</sup> of the said John Brigham to make Sale of Sundry Out lands of the Deced<sup>d</sup> to the value of Thirty one pounds four shillings for the paying of Legacy's the said Martha died before she Completed the Sale of the said Lands; Therefore praying that the Same power may be Given the pet<sup>r</sup> to make Sale of those lands for the Ends aforesaid

Legislative  
Records of the  
Council, xvi.,  
136.House Jour-  
nal, p. 181.  
Province  
Laws, xi., 794,  
chap. 215.

Read &amp;

*Ordered* that the prayer of the petition be Granted, and the Pet<sup>r</sup> is Allowed & Impowred to Execute a Good deed of Sale and Conveyance of the premisses within mentioned Accordingly. [*Passed April 18.*]

## CHAPTER 249.

ORDER ALLOWING £14. 4 TO JOHN SHAW.

A PETITION of John Shaw Soldier of the Garrison at his Majestys Castle William, Shewing that during his Service he has Reced<sup>d</sup> Wounds & other disasters which have put him to great Expence for his Cure, and he is become a Cripple praying for Relief from this Court

Legislative  
Records of the  
Council, xvi.,  
136.House Jour-  
nal, pp. 166, 176.

Read &amp;

*Ordered* that the sum of Fourteen pounds four shillings be Granted & paid out of the Publick Treasury to the Pet<sup>r</sup> John Shaw in full Satisfaction of what he paid for his Hurt Received when a Soldier at Castle William as within mentioned. [*Passed April 18.*]

## CHAPTER 250.

## ORDER ALLOWING £9. 9. 9 TO JOHN IRELAND.

Legislative  
Records of the  
Council, xvi.,  
137.

House Jour-  
nal, pp. 144, 185.

A PETITION of John Ireland of Boston Labourer Shewing That one Thomas Shaw was Imprisoned in Boston Goal upon an Execution on a Judgment Recovered against him by the pet<sup>r</sup> for £9. 9. 9 that the said Shaw Escaped out of Prison and being the only Material Evidence for the King Against One Ormsby in a Case of Murder the Governour and Council (as the Pet<sup>r</sup> is Informed) were pleased to Order that the said Debt should be paid in Case he would Return and give in his Evidence for the King, which he did and was Immediately Set at Liberty altho the pet<sup>r</sup> has Received no Satisfaction for his debt but has been put to further Charge in Advertising him and for his being Apprehended thereupon praying to be allowed his debt and Charges out of the publick Treasury

Read & in answer to this petition

*Ordered* that the sum of Nine pounds Nine shillings & Nine pence be Allowed and paid out of the publick Treasury to the Pet<sup>r</sup> John Ireland in full. [*Passed April 18.*]

## CHAPTER 251.

## ORDER OF NOTICE ON HANNA FARNSWORTH'S PETITION TO BRING AN ACTION ON A BOND.

Legislative  
Records of the  
Council, xvi.,  
137.

A PETITION of Hannah Farnsworth<sup>1</sup> Widow of John Farnsworth late of Groton deced Shewing that their son Joseph Farnsworth gave his Bond to his Father to make Certain provision therein particularly Expressed for the Support of his said Father & Mother, That the said Joseph as well as his father is Since deced and his Adm<sup>r</sup> Refuses to take any Care of the pet<sup>r</sup> & Daniel Farnsworth the Surviving Exor<sup>r</sup> of the Said John Refuses to put the Bond in Suit, So that the pet<sup>r</sup> not being named an obligee in the said Bond is without Remedy And therefore praying that this Court would Impower Samuel Corey of Littleton To Sue out the said Bond or Grant her some other Relief

Read &

*Ordered* That the Pet<sup>r</sup> Serve the adverse party with a Copy of the petition that so he may shew Cause if any he have on the Second Wednesday of the next May Session why the prayer thereof may not be Granted.<sup>2</sup> [*Passed April 18.*]

## CHAPTER 252.

ORDER ALLOWING £40 TO CAP<sup>t</sup> JAMES GRANT.

Legislative  
Records of the  
Council, xvi.,  
133.

House Jour-  
nal, pp. 177, 186.  
Province

A PETITION of Cap<sup>t</sup> James Grant of Berwick Setting forth that What has been Allowed him for Building the Truck house on Saco River has not paid the Charge he has been at in hiring and Subsisting of workmen and purchasing Timber and other Materials And therefore praying that he may be Reimbursed what he has Expended more than what

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> At the hearing June 6, 1735, House Journal, p. 18, the petition was dismissed.

has been paid to him and allowed for his Own Time and Trouble in Attending upon said Work Laws, xi., 377, chap. 227.

Read and in Answer to this petition

*Ordered* That the Sum of Forty pounds be Granted and paid out of the publick Treasury to M<sup>r</sup> Richard Lord of Berwick to be by him paid to the pet<sup>r</sup> Cap<sup>t</sup> James Grant and is in Satisfaction of the Pet<sup>rs</sup> Services, time Trouble & Expence in and about Building Said Truck house. [*Passed April 19.*<sup>1</sup>

## CHAPTER 253.

ORDER ALLOWING £26. 5 TO THE COM<sup>TEE</sup> FOR EASTERN SETTLEMENTS  
AND £26. 5 FROM THE TOWN OF FALMOUTH.

A PETITION of Cap<sup>t</sup> Joseph Hill in behalf of the Committee formerly Appointed to take Care of the Eastern Settlements Shewing that there is due to them for their time and Expence for attending that Affair at Falmouth in the Year 1718 the Sum of £26. 5 which the said Town have Always Refused to pay them And therefore praying that it may be Allowed to them out of the Publick Treasury

Read & in Answer to this petition

*Ordered* that the sum of Twenty Six pounds five shillings be Granted, Advanced and paid out of the publick Treasury to Joseph Hill Esq<sup>r</sup> to be by him Repaid to the Comm<sup>tee</sup> within mentioned or their Legal Represent<sup>ts</sup> in Equal proportion and that an Additional Tax of Twenty Six pounds five shillings be and hereby is Granted and ordered to be put upon the Town of Falmouth in the County of York in the next province Tax. [*Passed April 19.*<sup>1</sup>

Legislative  
Records of the  
Council, xvi.,  
134.

Legislative  
Records of the  
Council, xvi.,  
35. House  
Journal, pp. 49,  
187. Province  
Laws, ix., 689,  
chap. 97.

## CHAPTER 254.

ORDER DIRECTING THE COMMISSIONERS OF THE £100,000 LOAN TO  
RENDER THEIR ACCOUNTS.

*Ordered* That the Com<sup>tee</sup> of this Court for Examining the Accompts of the Commissioners of the £100,000 Loan be and hereby are directed in the name of this Court to Signify to such of said Commissioners as have not Sent in their Accompts to be Allowed by this Court which by Law they are obliged to do that Unless they forthwith Attend their duty in that Respect they may Expect to be prosecuted in the Law for their future neglect. [*Passed April 19.*

Legislative  
Records of the  
Council, xvi.,  
138.

House Jour-  
nal, p. 187.  
Province  
Laws, xi., 279,  
chap. 147.

## CHAPTER 255.

ORDER ON DAVID ALLENS PETITION FOR LIBERTY TO BRING FOR-  
WARD A WRIT OF REVIEW.

A PETITION of David Allen of Pemaquid Shoreman Shewing That Samuel and John Banister brought their Action Against him at the Inf<sup>r</sup> Court of Common pleas held at Newbury in September 1732 that

Legislative  
Records of the  
Council, xvi.,  
121, 138.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is April 18.

House Jour-  
nal, pp. 165, 186.

he should Render an Acco<sup>t</sup> of Seventy Quintals of Fish, that the Pet<sup>r</sup> had the Judgment of that Court and of the Superiour Court on the Appeal in his favour, that the said Banisters brought their Action of Review of the said Cause at the Superiour [Court] held at Ipswich in May 1733, When William Shirley Esq<sup>r</sup> Appeared for the Pet<sup>r</sup> by Virtue of a power of Attorney which was then Read in Court, that the pl<sup>ts</sup> finding by the Evidence that the Cause would go Against them Suffered themselves to be Nonsuit and then brought a New writ of Review at the Superiour Court held at Salem in October last, when M<sup>r</sup> Shirley Appeared again as the Pet<sup>rs</sup> Attorney but by Misfortune lost or Mislaid the Letter of Attorney thro<sup>o</sup> which means the Action went against the Pet<sup>r</sup> for Default And therefore Praying that he May be Allowed to have the said Action tried at the next Superiour Court by a Jury and that no Judgment may be made up upon his Default at the said Court to which his Action is Continued notwithstanding the said Default

Read together with the Answer of Samuel and John Banister within Mentioned and the Matter being fully Considered

*Ordered* that the prayer of the petition be Granted and that the pet<sup>r</sup> be and hereby is allowed the Liberty of a Trial of his plea of Review within mentioned by a Jury at the Sup<sup>r</sup> Court to be held at Ipswich in May next his Default and the Reference within mentioned Notwithstanding, and that the Justices of the said Court be and hereby are Impowred and directed to hear and Determine the Said Action Accordingly. [*Passed April 19.*]

## CHAPTER 256.

### ORDER IMPOWERING EDW<sup>d</sup> PORTER TO BRING FORWARD A WRIT OF REVIEW, WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
120, 138.

House Jour-  
nal, pp. 161, 187.  
Province  
Laws, II., 662,  
chap. 13.

A PETITION of Edward Porter of Boston Glazier Setting forth that Samuel Heves of Boston Merchant Recovered Judgment Against him at the last Superiour Court in Boston in the sum of £100 for not giving him a Quit claim of his Interest in the Estate of his Grandfather William Hawkins that the Pet<sup>r</sup> offered to give Bond to prosecute his Review at the next Sup<sup>r</sup> Court in order to Stop Execution but the Judges did not Allow it Apprehending it to be out of time And therefore praying for an order of this Court to Impower him to give Bond & to Stay Execution of the Judgment aforesaid.

Read and it Appearing that the Adverse party has been Served with a Copy of this petition but no Answer given in

*Ordered* that the prayer of the petition be Granted and that the Service of the Execution within mentioned be Suspended 'till the Sup<sup>r</sup> Court of Judicature to be held at Boston in August Next upon the pet<sup>rs</sup> giving bond with Sufficient Security to prosecute the said Action with Effect at the said Court & likewise to pay Double Interest and Costs in Case the Judgment should be affirmed upon the Review as is provided in and by an Act or Law of this Province made in the Sixth Year of the Reign of his present Majesty King George the Second Entituled an act in Addition to an Act Entituled an Act for Review in Civil Causes. [*Passed April 19.*]



## CHAPTER 257.

ORDER CONFIRMING A PLAT OF THE ADDITIONAL GRANT OF 1,200 ACRES OF LAND TO THE VOLUNTIER'S TOWN.

A PLAT of Twelve hundred Acres of land Allowed to be Added to the Township Granted to the Voluntiers under Cap<sup>t</sup> Lovell and Cap<sup>t</sup> White Upon the petition of Thomas Palmer<sup>1</sup> & others laid out by Jonas Houghton Survey<sup>r</sup> & Chain men on oath bounding Southeasterly on said Township, Northerly on a Province Township Northwesterly and South Westerly upon Unappropriated lands, beginning at a Stake the West-erly Corner of said Voluntiers Township and Running North 36 degrees West Ninety three Rods to a Stake and heap of Stones, thence East 35 Degrees North Two Thousand & thirty Rods to the South line of the Province Town ship, thence East along said line one hundred and Sixty Rods to the North Westerly line of the said Voluntiers Township, Thence Southerly along said line to where it first began

Read &amp;

*Ordered* That the plat be Accepted And the Lands within delineated & described be & hereby are Confirmed to the Company of Voluntiers late under the Command of Cap<sup>t</sup> Lovewell and Cap<sup>t</sup> White their heirs & assigns respectively for Ever provided it exceeds not the quantity of twelve hundred Acres of Land, and does not interfere with any former Grant. [*Passed April 19.*]

Legislative  
Records of the  
Council, xvi.,  
139. Maps and  
Plans, Mis.,  
ix., 4.

Maps and  
Plans, Mis.,  
ix., 4 *bis*.  
House Jour-  
nal, pp. 171, 172,  
179, 180. Prov-  
ince Laws, xi.,  
726, chap. 37.

## CHAPTER 258.

ORDER ACCEPTING REPORT OF COMMITTEE ON FRANCES BANISTERS PETITION.

JOHN JEFFRYS ESQ<sup>r</sup> from the Committee of both Houses on the peti-tion of M<sup>rs</sup> Frances Banister [*ante*, p. 80, chap. 163] Reported as fol-lows viz<sup>t</sup>

The Com<sup>tee</sup> having heard the partys are humbly of Opinion that M<sup>r</sup> Samuel Banister within named before Levying the Execution within mentioned on M<sup>rs</sup> Frances Banister ought to give Security to the Said Frances to the value of the Execution that in Case it shall Appear that any sum of money belonging to the said Frances hath been or shall be paid to the said Samuel or his order not already Accounted for by Virtue of a power of Attorney from the said Frances to the said Samuel when he went for Great Britain about the Year 1722 that the said sum so paid and Received be Repaid to the said Frances her heirs or Assignes

By order of the Committee

JOHN JEFFRIES

Read &amp;

*Ordered* that this Report be Accepted. [*Passed April 19.*]

Legislative  
Records of the  
Council, xvi.,  
139.

Legislative  
Records of the  
Council, xvi.,  
108. House  
Journal,  
pp. 146, 181.  
*Ante*, p. 80,  
chap. 163.

## CHAPTER 259.

ORDER APPOINTING A COMMITTEE ON THE DIVISION OF THE ESTATE OF W<sup>m</sup> SANFORD.

A PETITION of M<sup>rs</sup> Grizel Cotton Adm<sup>rx</sup> of the Estate of M<sup>r</sup> William Sandford of Rhode Island deced and Guardian to Grizel Sandford their

Legislative  
Records of the  
Council, xvi.,  
139.

<sup>1</sup> The House Journal, pp. 33, 34 (June, 1733), and Province Laws, xi., 726, chap. 37, read, Thomas Farmer.

House Journal, p. 185.

Youngest daughter Andrew Oliver and Mary his wife and Thomas Hutchinson jun<sup>r</sup> & Margaret his wife which Mary and Margaret are likewise Daughters & Coheirs with the said Grizell Sandford to the said William Sandford deced Shewing that there are divers parcells of land belonging to the Estate of the said William Sandford lying in the Countys of Bristol, Dukes County, York & Middlesex within this province and praying that some one of the Judges of Probate for the said Countys may be Impowred to Appoint five freeholders to divide the said Lands among the Pet<sup>rs</sup> the Pet<sup>r</sup> Grizel Cotton to have her dower assigned her therein as widow of the deced. Read & in Answer to this petition

*Ordered* that the Judge of Probate for the County of Bristol be & hereby is Impowred and Directed to Appoint five Suitable Freeholders two Whereof to be of the County of Bristol One of middlesex One of York and the other of Dukes County to Divide the Estate made mention of in this petition upon Oath into three Equal Shares and Sett the Same off to the three heirs of the deced to hold to them in Severalty and their heirs and Assignes forever first taking Sufficient Security of the said heirs or others on their behalf to pay or Cause to be paid to the Widow of the said M<sup>r</sup> Sandford who is now the pet<sup>r</sup> Grizel Cotton One third of the Income of each heirs part or proportion, which Settlement shall be Deemed Good and valid in the Law to all Intents & purposes whatsoever. [*Passed April 19.*]

## CHAPTER 260.

ORDER IMPOWERING FRA<sup>s</sup> COLE TO SELL LAND AND EXECUTE A DEED.

Legislative Records of the Council, xvi., 140.

House Journal, pp. 140, 177.

A PETITION of Francis Cole of Boston Shewing that he and his wife Elizabeth Cole (now deced) Agreed with William Doak to sell him all their Title & Interest in the said Elizabeths Father Richard Floods and Grandfather James Floods Real Estate Situate in Boston, and the said Doak paid them Eighty pounds in consideration thereof & Deeds were drawn accordingly but before the Deeds could be Executed the said Elizabeth dyed and for as much as the money for which the said Estate was sold was mostly Expended on the said Elizabeth in her long and Chargable Sickness Therefore praying that the pet<sup>r</sup> may be Impowred to Sell the said Estate

Read &

*Ordered* that the pet<sup>r</sup> Francis Cole be & hereby is fully Authorized and Impowred to Exeente a Good and Sufficient Deed in the Law for the Sale of the two peices of land mentioned in the petition to William Doak of Boston Mariner his heirs and assignes forever for the Consideration sum of One hundred pounds According to the Contract, made by the said Francis Cole & his wife Elizabeth in her lifetime with the said William Doak he the said William Doak paying into the hands of such person as the Judge of Probate for the County of Suffolk shall appoint the sum of Fifteen pounds three shillings & Sevenpence the persons who Receive it to give bond to the said John<sup>1</sup> to Repay & disburse the Same for the Necessary Support of the Children of the said Cole, the said Doak having already paid to the said Cole the sum of Eighty four pounds Sixteen shillings and fivepence to Defrey Sundry Charges in his wifes Sickness and Funeral. [*Passed April 19.*]

<sup>1</sup> "Judge," in the State Library copy, Legislative Records of the Council, xvi., 140.

## CHAPTER 261.

ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF JOSEPH TUCKER  
& OTHERS OF STOUGHTON.

A PETITION of Joseph Tucker John Fenno and other Inhabitants of Dorchester & Stoughton Shewing that there are great Contentions between the Pet<sup>rs</sup> and others with Reference to the Indian lands at Puncapaug which have Occasioned great Expence in the law and are like to occasion greater, And therefore praying that this Court would take such Orders as may be Effectual to Settle & Compose the said Differences In Council Read &

Legislative  
Records of the  
Council, xvi.,  
140.

House Jour-  
nal, p. 170.  
*Ante*, p. 43,  
chap. 91.

*Ordered* That Thomas Cushing Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Committee to Repair to the Town of Stoughton and hear the Pet<sup>rs</sup> as also John Wentworth and William Sherman on their Several pretensions Referring to the Indian Lands at Puncapaug, that the Committee Examine the Indian Deed Leases and Plats which the partys are directed to produce to them and that they take Care that the said lands be Surveyed by a Skilfull Surveyor and Report to this Court at their next Session what they Judge proper to be done on this petition and the Petition of Moses Gill, as also in the Affair of John Wentworth & William Sherman and that the said petitions and the Report of John Quincey Esq<sup>r</sup> & M<sup>r</sup> Oxenbridge Thacher Referring to the said Sherman & Wentworths purchasing the Indian Land be Accordingly Referred in the Mean time, the Charge to be born as this Court shall Order In the House of Represent<sup>a</sup> Read & Concurr'd and Benj<sup>a</sup> Dyre & Sam<sup>l</sup> Danforth Esq<sup>rs</sup> are Joined in the Affair. [*Passed April 19.*]

## CHAPTER 262.

## ORDER REFERRING THE PETITION OF JOHN PEABODY &amp; OTHERS.

ON THE PETITION of John Peabody, John Hovey & John Carelton of Boxford [*ante*, p. 58, chap. 115]

Legislative  
Records of the  
Council, xvi.,  
141.

Read &

*Voted* that the petition be Referr'd to the first Tuesday of the Next May Session to which time the petition for a new precinct in Boxford is Referr'd. [*Passed April 19.*]

House Jour-  
nal, p. 170.  
*Ante*, p. 58,  
chap. 115.  
*Infra*, chap.  
263.

## CHAPTER 263.

VOTE REFERRING THE 2<sup>D</sup> PETITION OF JN<sup>O</sup> PEABODY &c.

A SECOND PETITION of John Peabody John Hovey & George Carlton praying that they may not be set off to the precinct prayed for by Divers Inhabitants of Boxford but to the Town of Bradford Agreeable to a vote of the Town of Boxford

Legislative  
Records of the  
Council, xvi.,  
141.

House Jour-  
nal, p. 170.  
*Ante*, p. 94,  
chap. 202.  
*Supra*, chap.  
262.

Read & Referr'd to the Next May Session. [*Passed April 19.*]

## CHAPTER 264.

ORDER APPOINTING A COMMITTEE TO SETTLE THE BOUNDARY  
BETWEEN NO. YARMOUTH AND THE PROVINCE LANDS.

Legislative  
Records of the  
Council, xvi.,  
141.

House Jour-  
nal, pp. 183, 184.  
*Ante*, p. 71,  
chap. 145.

A PETITION of Rowland Houghton in behalf of the Town and Proprietors of North Yarmouth that this Court would Impower some person or persons to Run or perambulate the line of the Town where it lies next the Province According to their Grant

Read & in Answer to this Memorial

*Ordered* That the Committee Appointed to Bring forward the Settlement of the Marblehead Township and Joseph Blaney Esq<sup>r</sup> be a Com<sup>tee</sup> on the part of the province to Run the line with such person or persons as shall be Appointed by the Town of North Yarmouth & fully Impowred by them to Run & perambulate the lines between the Province and the said Town of North Yarmouth According to their Grant and to make Report of their doings therein to this Court. [*Passed April 19.*]

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1735-36.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1735-36.

HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

SIMON FROST, Esq.,  
DEPUTY SECRETARY.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

BENJAMIN LYNDE	}	ESQRS.
THOMAS HUTCHINSON		
EDMUND QUINCEY		
PAUL DUDLEY		
SAMUEL THAXTER		
JOHN TURNER		
WILLIAM DUDLEY		
JONATHAN REMINGTON		
THOMAS CUSHING		

JOHN OSBORNE	}	ESQRS.
EBENEZER BURRILL		
EZEKIEL LEWIS		
FRANCIS FOXCROFT		
EDWARD GODDARD		
JOSIAH WILLARD		
JACOB WENDELL		
ANTHONY STODDARD		
SAMUEL WELLES		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

ISAAC WINSLOW	}	ESQRS.
MELETIAH BOURNE		

SETH WILLIAMS	}	ESQRS.
ISAAC LOTHROP		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

WILLIAM PEPPERIL, SAMUEL CAME & JEREMIAH MOULTON, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN JEFFRIES, Esq.

<sup>1</sup> See Legislative Records of the Council, xvi., 142-145.

*For the Province, at large : —*

THOMAS BERRY & JOSEPH WILDER, ESQRS.

# REPRESENTATIVES OR DEPUTIES.

*May 28, 1735 to April 3, 1736.*

MR. JOHN QUINCEY, SPEAKER.

## COUNTY OF SUFFOLK.

*Boston*, . . . Elisha Cooke, Esq.,  
                   Mr. Oxenbridge Thacher,  
                   Mr. Thomas Cushing, Jr.,  
                   Mr. Timothy Prout.  
*Roxbury*, . . . John Bowles, Esq.  
*Dorchester*, . . . Thomas Tilestone, Esq.  
*Brantry*, . . . John Quincey, Esq.  
*Millon*, . . . Capt. Jonathan Culliver.  
*Weymouth*, . . . Capt. Adam Cushing.  
*Hingham*, . . . Mr. James Hearsey.  
*Dedham*, . . . John Metcalf, Esq.  
*Medfield*, . . . Mr. George Barber.  
*Wrentham*, . . . Jonathan Wear, Esq.  
*Stoughton*, . . . Mr. William Royall.  
*Brooklyn*, . . . Samuel White, Esq.  
*Needham*, . . . John Fisher, Esq.  
*Medway*, . . . Capt. Edward Clark.

## COUNTY OF ESSEX.

*Salem*, . . . Daniel Epes, Esq.,  
                   Benjamin Brown, Esq.  
*Ipswich*, . . . John Wainwright, Esq.,  
                   John Choat, Esq.  
*Newbury*, . . . Joseph Gerrish, Esq.  
*Lynn*, . . . Capt. William Collins.  
*Marblehead*, . . . Mr. Jeremiah Gatchell,  
                   Mr. Jeremiah Allen.  
*Haverhill*, . . . Richard Saltonstall, Esq.  
*Rowley*, . . . Mr. John Hobson.  
*Salisbury*, . . . Capt. Jeremiah Stevens.  
*Gloicester*, . . . Capt. Joseph Allen.  
*Andover*, . . . Mr. Thomas Chandler, Jr.  
*Topsfield*, . . . Capt. Joseph Gold.  
*Beverly*, . . . Robert Hale, Esq.  
*Wenham*, . . . Mr. William Fairfield.  
*Boxford*, . . . Capt. Joseph Hale.  
*Bradford*, . . . Mr. John Hutchins.  
*Amesbury*,<sup>1</sup> . . . Mr. John Plaistead.

## COUNTY OF MIDDLESEX.

*Cambridge*, . . . William Brattle, Esq.,  
                   Samuel Danforth, Esq.

## COUNTY OF MIDDLESEX — *Concluded.*

*Charlestown*, . . . Mr. Samuel Webb.  
*Watertown*, . . . Nathaniel Harris, Esq.  
*Concord*, . . . Mr. Samuel Chandler.  
*Newton*, . . . John Greenwood, Esq.  
*Sudbury*, . . . Mr. Edward Sherman.  
*Marlboro*, . . . Mr. Joseph Rice.  
*Groton*, . . . Benjamin Prescott, Esq.  
*Frammingham*, . . . Mr. Micah Stone.  
*Chebnsford*, . . . Mr. Jonathan Barron.  
*Billerica*, . . . Capt. Benjamin Tomson.  
*Woburn*, . . . Capt. John Fowle.  
*Reading*, . . . Mr. Ebenezer Parker.  
*Sherburn*, . . . Mr. Ebenezer<sup>2</sup> Leyland.  
*Malden*, . . . Capt. Samuel Wait.  
*Lexington*, . . . Capt. Joseph Bowman.  
*Weston*, . . . Mr. Ebenezer Allen.  
*Dunstable*, . . . Capt. Joseph Blanchard.  
*Medford*, . . . Mr. William Willis.  
*Wilmington*, . . . Mr. Daniel Pierce.  
*Littleton*, . . . Capt. Joseph Tyler.  
*Hopkinton*, . . . John Jones, Esq.

## COUNTY OF HAMPSHIRE.

*Springfield*, . . . William Pyncheon, Jr., Esq.  
*Northampton*, . . . Ebenezer Pomroy, Esq.  
*Hudley*, . . . Mr. Luke Smith.  
*Hatfield*, . . . Capt. Israel Williams.  
*Suffield*, . . . Mr. Christopher Jacob Law-  
                   ton.  
*Enfield*, . . . Mr. Nathaniel Collins.  
*Westfield*, . . . Mr. Thomas Ingersol.

## COUNTY OF WORCESTER.

*Worcester*, . . . John Chandler, Jr., Esq.  
*Lancaster*, . . . Capt. Ephraim Wilder.  
*Mendon*, . . . Capt. Daniel Levett.  
*Woodstock*, . . . Mr. William Lyon.  
*Brookfield*, . . . Joseph Dwight, Esq.  
*Lunenburg*, . . . Josiah Willard, Esq.  
*Shrewsbury*, . . . Nahum Ward, Esq.  
*Sutton*, . . . Mr. Purcival Hall.

<sup>1</sup> *Sic*, for Amesbury

<sup>2</sup> The House Journal, p. 4 (May, 1735), reads, "William."

COUNTY OF PLYMOUTH.

*Plymouth*, . . . James Warren, Esq.  
*Duxbury*, . . . Col. John Alden.  
*Marshfield*, . . . Mr. Thomas Foster.  
*Bridgewater*, . . Capt. Josiah Edson.  
*Middleboro'*, . . . Mr. Ellkanah Leonard.  
*Rochester*, . . . Mr. Nathaniel Sprague.  
*Plympton*, . . . Mr. John Wright.  
*Pembroke*, . . . Isaac Little, Esq.  
*Scituate*, . . . John Cushing, Jr., Esq.  
*Abington*, . . . Samuel Pool, Esq.

COUNTY OF BARNSTABLE.

*Barnstable*, . . . Shubal Gorham, Esq.  
*Yarmouth*, . . . Mr. Samuel Sturgis, Jr.  
*Sandwich*, . . . Capt. Stephen Skiffe.  
*Eastham*, . . . Mr. Ralph Smith.  
*Harwich*, . . . Edmund Freeman, Esq.  
*Falmouth*, . . . Capt. Joseph Robinson.

COUNTY OF BRISTOL.

*Bristol*, . . . Charles Church, Esq.

COUNTY OF BRISTOL — *Concluded.*

*Taunton*, . . . Capt. Joseph Leonard.  
*Rehoboth*, . . . Mr. John Hunt.  
*Swanzy*, . . . Joseph Mason, Esq.  
*Little Compton*, Thomas Church, Esq.  
*Tiverton*, . . . Job Almy, Esq.  
*Dartmouth*, . . . Capt. Samuel Cornell.  
*Norton*, . . . Capt. Ephraim Leonard.  
*Freetown*, . . . Mr. Henry Tisdale.  
*Attleborough*, . Mr. Nathaniel Carpenter.

COUNTY OF YORK.

*York*, . . . . Mr. Richard Milberry.  
*Kittery*, . . . . Mr. Richard Cutt, Jr.  
*Wells*, . . . . Joseph Hill, Esq.  
*Berwick*, . . . . Mr. Richard Lord.  
*Falmouth*, . . . Mr. Moses Pierson.

DUKES COUNTY.

*Edgartown*, . . Enoch Coffin, Esq.





# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1735.

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## CHAPTER 1.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND TO CAPT SOUTHACK.

A PLAT of Five hundred Acres of land Granted by<sup>1</sup> Cap<sup>t</sup> Cyprian Southack Surveyed by William Chandler & Chaimmen Upon Oath Ad-joining partly upon Lambs Town and partly on the new Addition made to Cap<sup>t</sup> Whites Town (so Called) partly on a Grant made to Stoddard and others and partly on Country land begining at a Red Oak Tree the Southeast Corner of said Stoddards land Runing thence West 2. 30 South two hundred Rods to a Stake and heap of Stones the South West Corner of said Stoddards land then Runing 2°. 30 West in this Course and at One hundred and One Rods distance a White Oak Tree was Marked with the Letters **B. S. & T G** the whole of this line three hundred and three Rods where was Erected a Stake and Heap of Stones in the Southerly bounds of the addition to Whites Town then Runing North 36° 00 West in said Whites line One hundred & twelve Rods to a Stake and heap of Stones Erected on the West Edge of a Bushy Meadow then Runing South 4° 00 West fifty one Rods to a Pitch pine Tree marked with the Letters **T G** then the line continued to make up in the whole Six hundred and twenty Eight Rods to a heap of Stones on a Ridge Hill then Runing East 2° 30. One hundred and thirty Rods to a Hemlock Tree in the North Westerly bounds of Lambs Town marked on the Southerly Side with the Letter **L** and on the Northerly Side with the Letters **T G** then Runing on the North Westerly Side of said Lambs Town three hundred and Seven Rods to the Corner first mentioned

Read and

*Ordered* That the plat be Accepted and the Lands within delineated and described be and hereby are confirmed to the said Captain Cyprian southack his heirs and Assigns for Ever; provided the plat does not exceed the quantity of Five hundred Acres, nor interferes not<sup>2</sup> with any former Grant. [*Passed May 30.*]

Legislative  
Records of the  
Council, xvi.,  
147. Maps and  
Plans, Mss.,  
ix., 1.

Maps and  
Plans, Mss.,  
ix., 1 *bis*.  
House Jour-  
nal, p. 9.  
*Ante*, p. 35,  
chap. 71.

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## CHAPTER 2.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO NATH<sup>l</sup>  
COLLINS.

A PLAT of Two hundred Acres of land Granted to M<sup>r</sup> Nath<sup>l</sup> Collins laid out by Daniel Colton Survey<sup>r</sup> and Chaimmen on Oath Bounded

Legislative  
Records of the  
Council, xvi.,

<sup>1</sup> *Sic*, for *to*. See the order, *infra*; also *ante*, p. 35, chap. 71, and House Journal, p. 9.

<sup>2</sup> *Sic*.

147. Maps and  
Plans, Mis.,  
x., 1.

Maps and  
Plans, Mis.,  
x., 1 *bis*.  
House Jour-  
nal, p. 9.  
*Ante*, p. 15,  
chap. 22.

South by the Colony line westerly by the Town of Somers and North on Springfield

Read and

*Ordered* That the plat be accepted and the Lands within delineated & described be and hereby are confirmed to the said Nathanael Collins his heirs and assigns do within the space of five years Settle one family on the granted Lands, &<sup>1</sup> have an house there of eighteen feet square and seven feet Stud at least, and have also five Acres of Land brought to English Grass or otherwise broke up by plowing & well inclosed; the performance of these Conditions to be deemed as much service to the publick as if the Grantee should have paid into the publick Treasury the sum of Twenty five pounds which was enjoined in the Grant of the Court passed in June last; provided also the plat contains no more than two hundred Acres of Land, & does not interfere with any former Grant. [*Passed May 31.*<sup>2</sup>

## CHAPTER 3.

ORDER ACCEPTING THE ACC<sup>T</sup> OF THE COUNTY TREAS<sup>R</sup> OF WORCESTER.

Legislative  
Records of the  
Council, xvi.,  
148.

House Jour-  
nal, p. 11.

AN ACCOMPT presented by Benjamin Flagg Treasurer of the County of Worcester for the Year past Having been laid before the Court of General Sessions of the peace for the said County and by them Allowed.

Read & Accepted &

*Ordered* that this Accompt be Allowed. [*Passed June 3.*

## CHAPTER 4.

ORDER REFERRING THE PETI<sup>N</sup> OF THE NORTHERLY INHABITANTS OF BOXFORD AND APPOINTING A COMMITTEE THEREON.

Legislative  
Records of the  
Council, xvi.,  
149.

House Jour-  
nal, p. 12.  
*Ante*, p. 94,  
chap. 202;  
p. 119, chap.  
263.

ON THE PETITION of Job Tyler and others Inhabitants of the North-erly part of the Town of Boxford [*ante*, p. 94, chap. 202]

In Council Read together with the Answer of the Town of Boxford and the partys being heard at the Board & the matter fully considered

*Ordered* that Samuel Thaxter Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Com<sup>tee</sup> to view the Situation and Consider the Circumstances of the Pet<sup>rs</sup> as well as the Petitions of John Peabody John Hovey and George Carlton with their Situation and Circumstances Seasonably Notifying the Town of Boxford of their coming and that they Report to this Court at their next Sitting what they Judge proper to be done thereon the Charge to be born as this Court shall order and that the petition aforesaid be Referr'd to the next Sitting of the Court for further consideration Accordingly In the House of Rep-resent<sup>a</sup> Read and Concurr'd and that Joseph Dwight & John Cushing jun<sup>r</sup> Esq<sup>rs</sup> be of the Committee. [*Passed June 4.*

<sup>1</sup> MS. mutilated.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is May 30.

## CHAPTER 5.

ORDER REFERRING THE 2<sup>ND</sup> PETITION OF JN<sup>O</sup> PEABODY JN<sup>O</sup> HOVEY  
& GEORGE CARLTON.

A SECOND PETITION of John Peabody John Hovey & George Carlton  
praying that they may not be sett off to any new preeinet that may be  
made in the Town of Bradford According to their first petition

Read & Referr'd to the next Sitting of the Court for consideration.  
[*Passed June 4.*]

Legislative  
Records of the  
Council, xvi.,  
149.

House Jour-  
nal, p. 12.  
*Ante*, p. 113,  
chap. 263.

## CHAPTER 6.

ORDER APPOINTING A COM<sup>TEE</sup> ON THE AFFAIR OF THE BOUNDARYS  
OF NEW HAMPSHIRE AND RHODE ISLAND.

In the House of Represent<sup>a</sup>

*Voted* That Elisha Cooke Esq<sup>r</sup> William Brattle Benjamin Prescott &  
John Cushing jun<sup>r</sup> Esq<sup>rs</sup> M<sup>r</sup> Thomas Cushing John Choat Esq<sup>r</sup> and M<sup>r</sup>  
Elkanah Leonard with such as the Hon<sup>ble</sup> Board shall Appoint be a Com<sup>tee</sup>  
to take under consideration what may be proper for the Court further  
to do for the Settlement of the boundaries between this Government  
and the Neighbouring Government of New Hampshire and Rhode Island  
and Report thereon as soon as may be

In Council Read & Concurr'd &

*Ordered* that Edmund Quincy Samuel Thaxter William Dudley  
Thomas Cushing and Samuel Welles Esq<sup>rs</sup> are joined in the Affair.  
[*Passed June 4.*]

Legislative  
Records of the  
Council, xvi.,  
149.

House Jour-  
nal, p. 13.  
Province  
Laws, xi., 734,  
chap. 57.

## CHAPTER 7.

ORDER ACCEPTING THE ACCOUNT OF THE CO. TREASURER OF  
HAMPSHIRE.

AN ACCOMPT presented by William Pynchon jun<sup>r</sup> Esq<sup>r</sup> Treasurer of  
the County of Hampshire for the last Year, having been laid before  
the Court of General Sessions of the peace for the said County, and  
by them allowed;

Read and Accepted &

*Ordered* that this Accompt be Allowed. [*Passed June 6.*]

Legislative  
Records of the  
Council, xvi.,  
151.

House Jour-  
nal, p. 14.

## CHAPTER 8.

ORDER REFERRING THE PETITION OF W<sup>M</sup> CLEMENTS & OTHERS.

*Ordered* that the petition of William Clements & others and the peti-  
tion of Stephen Harrington, Praying leave to purchase Some lands at  
a place near the Elbows (so Called) near Ware River [*ante*, p. 85,  
chap. 177] be Referred to the next Sitting of the Court that the Com<sup>tee</sup>  
thereon may have more opportunity to do the business Assigned them  
by this Court. [*Passed June 6.*]

Legislative  
Records of the  
Council, xvi.,  
151.

Legislative  
Records of the  
Council, xvi.,  
106. House  
Journal, p. 16.  
*Ante*, p. 85,  
chap. 177.

## CHAPTER 9.

ORDER CONFIRMING A PLAT OF 150 ACRES OF LAND TO W<sup>M</sup> HACK.

Legislative  
Records of the  
Council, xvi.,  
151. Maps and  
Plans, Mis.,  
ix., 8.

Maps and  
Plans, Mis.,  
ix., 8; xxx., 5.  
House Jour-  
nal, p. 17.  
Province  
Laws, xi., 730,  
chap. 47.

A PLAT of One hundred and Fifty Acres of Land Granted by the General Court to William Hack of Taunton, laid out by Timothy Dwight Surveyor & Chainmen Under oath; begining at a pine tree Standing on the East Side & near to the Country Road, leading from Sunderland to North field, between Millers River, and Stony Brook, and runing from said Tree as described in said Plat

Read and

*Ordered* That the Plat be Accepted and the Lands therein delineated and described be & hereby are confirmed to the said WILLIAM HACK his Heirs and Assigns for Ever provided the plat exceeds not the quantity of One hundred and fifty Acres of Land and does not interfere with any former Grant.<sup>1</sup> [*Passed June 6.*]

## CHAPTER 10.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO SAM<sup>L</sup> DICKENSON.

Legislative  
Records of the  
Council, xvi.,  
152. Maps and  
Plans, Mis.,  
viii., 32.

Maps and  
Plans, Mis.,  
viii., 32 *bis*.  
House Jour-  
nal, p. 17.  
Province  
Laws, xi., 735,  
chap. 60.

A PLAT of two hundred Acres of Land Granted by the General Court to Samuel Dickinson, laid out by Timothy Dwight Survey<sup>r</sup> and Chainmen on Oath; begining at a large Monument of Stones in the line on the North side of the Northern tract of Equivalent Land so Called, between Hadley & Brookfield, which Stones are about A Mile East of Hearth Stone Hill and Runing from thence as particularly described in the Plat

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described be and hereby are confirmed to the said Samuel Dickenson his heirs and Assigns for Ever provided the plat exceeds not the quantity of two hundred Acres of Land, and does not interfere with any former Grant. [*Passed June 6.*]

## CHAPTER 11.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO RICHARD KENT ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xvi.,  
152.

House Jour-  
nal, p. 17.  
*Ante*, p. 74,  
chap. 149.

A PLAT of three hundred Acres of Land Granted by the General Court to Richard Kent Esq<sup>r</sup>, Surveyed by Richard Hazzan Surveyor & Chainmen on Oath; lying Adjacent to the Town of Rumford; begining at a Stake & Stones by Rumford line thence Runing West 17 Deg. South on said line about two hundred and twenty five poles, to a White Ash Mark'd **K**, by Merrimack River, thence Runing up said River about two hundred and Ninety two poles to a horn bean Marked **R K** thence East ten deg. North about two hundred & twenty five poles to a Pitch

<sup>1</sup> By the description of the plat attached to Maps and Plans, ix., 8, it would appear that this lot was intended to take the place of the lot confirmed Aug. 23, 1733 (Province Laws, xi., 730, chap. 47).

pine Mark'd **R K**, thence about two hundred & Eight poles to the bounds first mentioned.

Read &

*Ordered* that the Plat be Accepted and the Lands herein delineated and described be and hereby are confirmed to the said Richard Kent Esq' his heirs and Assignes forever; Provided the Plat exceeds not the quantity of three hundred Acres of land, and does not Interfere with any former Grant. [*Passed June 6.*]

## CHAPTER 12.

### ORDER ACCEPTING THE COMMITTEES REPORT ON THE LINE BETWEEN N<sup>o</sup> YARM<sup>o</sup> & THE PROVINCE LAND.

THE COM<sup>TEE</sup> Appointed by the General Court April 18. 1735 On the part of the Province, and the Com<sup>tee</sup> Appointed by the Town of North Yarmouth, to Run and perambulate the line between the Province and the said Town of North Yarmouth, According to their Grant, and to make Report of their doings to this Court, pursuant thereto, We Repaired to the Mouth of Bungamungamug River, on the Thirtieth day of April last, where we erected a large heap of Stones on the Westerly Side of said River at high Water Mark, and then set our Course at South east over Maquoit Bay to Mare point and said line Runs over Minots Barn, which stands on said Point, and from said Barn over Middle Bay to a Spruce tree Standing on the Edge of the Bank on Merriconeag Neck, Marked with the Letter (**P**) on one side, & (**N**) on the other, and so to a large Beach tree mark'd (**E B**) with Several other Letters and the date of the Year on said Tree; and so by other Marked Trees Across the said Neck to an heap of Stones on the Southeasterly Side thereof; thence crossing Merriconeag River to a dead Pine Tree Standing on great Sebasco degan Island, to an Inlet of Water called the Bason, thence Crossing another part of said Island by a line of Mark'd Trees to a small Island Called Egg Island in Quahang River, thence crossing another part of said Island by a line of Mark'd trees to a Small heap of Flat Stones Upon the Corner of a Ledge of Rocks, so Runing a Southeast Course a cross the Bay to a Pitch pine tree standing on the Land Called Small point Mark'd (**P**) on one side & (**N**) on the other and so by Mark'd Trees to Hunnewells Cove; thence crossing said Cove to a Sloaping White pine tree under the Edge of the Bank, Mark'd on one side, and so to a Pitch pine tree with a heap of Stones about it; from thence to a Pitch pine tree standing on the Beach; and the said Southeast line being continued Runs into the Main Sea at the Mouth of Kennebeck River All which is humbly Submitted by

North Yarmouth May 3<sup>d</sup> 1735

DAVID SEABURY	EBEN <sup>r</sup> BURRIL
BENJ <sup>a</sup> INGORSOL	DAN <sup>L</sup> EPES
ABNER BROWN	JOHN HOBSON
EDW <sup>d</sup> KING	JOS: BLANEY

Read and

*Ordered* that this Report be accepted, and that the Line within described be determined accordingly. [*Passed June 10.*]

Legislative  
Records of the  
Council, xvi.,  
133. Mass.  
Archives, vi.,  
23.

House Jour-  
nal, pp. 22, 23.  
*Ante*, p. 71,  
chap. 145; 120,  
chap. 264.



## CHAPTER 13.

## ORDER CONFIRMING A PLAT OF 400 ACRES OF LAND LAID OUT TO THE HEIRS OF THE WIDOW STAR.

Legislative  
Records of the  
Council, xvi.,  
154. Maps and  
Plans, ix., 7.

Maps and  
Plans, Mis.,  
ix., 7 *bis*.  
House Jour-  
nal, p. 22.  
*Ante*, p. 52,  
chap. 103.

A PLAT of Four hundred Acres of Land, Granted to the heirs of the Widow Star, laid out by Joseph Wilder Esq<sup>r</sup> Surveyor and Chainmen on Oath, lying on the North Side of the Narragansett Town Number two; bounding Southerly by said Town, and every otherway by Province Lands; begining at a Stake and Stones on the aforesaid Narragansett Line, Eighty Rods West of Where the said line Crosses a Branch of Lancaster North River, that comes out of Wenecheag Pond; thence Runing North 18 deg<sup>rs</sup> West three hundred & thirty Rods to a Stake & Stones; thence Runing West 18 deg<sup>rs</sup> South, two hundred & Eight Rods to a Stake & Stones, thence Runing South 18 deg<sup>rs</sup> East three hundred & thirty Rods to the aforesaid Narragansett line to a Stake and Stones, thence with said line East 18 Deg<sup>r</sup> North two hundred and Eight Rods to where it first began.

Read and

*Ordered* That the plat be accepted, and the Lands therein delineated and described be and hereby are confirmed unto the said Benjamin starr and the other Heirs & descendants of the Widow of Doct<sup>r</sup> Thomas Starr deceased their heirs and Assigns respectively for Ever; provided the plat exceeds not the quantity of four hundred Acres of Land, and does not interfere with any former Grant. [*Passed June 10.*]

## CHAPTER 14.

## ORDER CONFIRMING A PLAT OF 400 ACRES OF LAND TO THE HEIRS OF MAJOR JAS CONVERSE.

Legislative  
Records of the  
Council, xvi.,  
154. Maps and  
Plans, Mis.,  
ix., 11.

Maps and  
Plans, Mis.,  
ix., 11 *bis*.  
House Jour-  
nal, p. 22.  
*Ante*, p. 73,  
chap. 147.

A PLAT of Four hundred Acres of Land, Granted by the General Court to the heirs of Major James Converse; laid out by Joseph Wilder Esq<sup>r</sup> Survey<sup>r</sup> and Chainmen on Oath; lying on the North-erly side of the Narragansett Town Number two; bounded South-erly thereon, Easterly on the land laid out to the heirs of the Widow Star, Northerly and Westerly by Province Land; begining at a Stake and Stones the South Corner of said Stars Land; thence Runing with it North 18 deg. West three hundred & thirty Rods to a Stake and Stones, thence West Eighteen degrees South two hundred and Eight Rods, to a Stake and Stones; thence South 18 degrees East three hundred & thirty Rods to a Stake and Stones in the aforesaid Narragansett line, thence East 18 deg. North two hundred & Eight Rods to where it began

Read and

*Ordered* That the plat be Accepted, and the Lands therein delineated & described be and hereby are confirmed unto the petitioners mentioned in the petition of said Robert & Josiah Converse their heirs and Assigns respectively for Ever provided nevertheless that the Grantees their Heirs or assigns do well and truly comply with & perform the Conditions of the Grant, provided also that the plat exceeds not the quantity of four hundred Acres of Land and does not interfere with any former Grant. [*Passed June 10.*]

## CHAPTER 15.

### ORDER ACCEPTING THE C<sup>O</sup> TREASURER OF BRISTOLS ACCO<sup>T</sup>.

AN ACCOMPT presented by Samuel Howland Treasurer of the County of Bristol for the last Year, having been by him laid before the Court of General Sessions of the peace for said County, and by them Allowed ;

Read & Accepted &

*Ordered* that this Accompt be Allowed. [*Passed June 10.*]

Legislative  
Records of the  
Council, xvi.,  
155.

House Jour-  
nal, p. 22.

## CHAPTER 16.

### ORDER ALLOWING £11. 8 TO THE TOWN OF SHREWSBURY.

A MEMORIAL of Nahum Ward Esq<sup>r</sup> Represent<sup>a</sup> of the Town of Shrewsbury Praying that the Fine of Eleven pounds Eight Shillings, laid on the said Town the last Year for not sending a Represent<sup>a</sup> to the Court, may be remitted ; the Charges of the Town for that Year being very high, and the Inhabitants of Small Ability to defrey the same

Read, &

*Ordered* that the prayer of the petition be Granted, and the Fine Remitted ; and that the sum of Eleven pounds Eight Shillings be and hereby is Granted to be paid out of the Publick Treasury to the Order of the Town of Shrewsbury to Reimburse them the Said Sum paid into the Treasury as a fine as aforesaid. [*Passed June 12.*]

Legislative  
Records of the  
Council, xvi.,  
156.

House Jour-  
nal, p. 24.  
Province  
Laws, ii., 726,  
chap. 13; 730.

## CHAPTER 17.

### ORDER GRANTING 73 ACRES OF LAND TO JOHN CHANDLER JR. ESQ<sup>a</sup>.

A PETITION of John Chandler jun<sup>r</sup> Esq<sup>r</sup> Shewing That Whereas this Court were pleased at their Session in April last to make him a Grant of One hundred & fifty Acres of land, he now presents a plat thereof for confirmation ; & Whereas there is a peice of Land of about Seventy three Acres Adjoyning to said Grant, Blackstones River Rogers Farm, & Worcester ; which is Uncapable of making a Settlement, and which he has platted with the other Land ; therefore praying for a Grant of the said Seventy three Acres of Land

Read & in Answer to this Memorial,

*Ordered* that the said Seventy three Acres two Rod & twenty perch of Land contained in the Plat within mentioned be and hereby are Granted to the Pet<sup>r</sup> John Chandler jun<sup>r</sup> Esq<sup>r</sup> his heirs and Assignes forever, Provided the pet<sup>r</sup> his heirs or assignes shall Effectually bring to English Grass or break up by plowing and well Inclose three Acres part of the said Seventy three Acres of Land in the same manner and time as he is Obligated to bring to the five Acres part and parcell of the Grant of One hundred & fifty Acres. [*Passed June 12.*]

Legislative  
Records of the  
Council, xvi.,  
156.

Maps and  
Plans, Mis.,  
x., 4. House  
Journal, p. 23.  
*Ante*, p. 96,  
chap. 207.  
*Infra*, chap. 18.

## CHAPTER 18.

ORDER CONFIRMING PLATS OF 223 ACRES OF LAND FOR JOHN CHANDLER JUN<sup>R</sup> ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xvi.,  
157. Maps and  
Plans, Mis.,  
x., 4.

Maps and  
Plans, Mis.,  
x., 4. House  
Journal, p. 23.  
*Supra*, chap.  
17.

A PLAT of One hundred and Fifty Acres of Land Granted by this Court in April last to John Chandler jun<sup>r</sup> Esq<sup>r</sup> as also of Seventy three Acres Adjoyning thereto Referr'd to in the above petition and order Surveyed by Benjamin Flagg jun<sup>r</sup> Surveyor & Chain men on Oath

Read and

*Ordered* that the two plats within mentioned be Acepted, and the Lands therein respectively contained and delineated Viz<sup>t</sup> One hundred and fifty Acres; and seventy three Acres two rood and twenty perch be & hereby are confirmed to the said John Chandler Jun<sup>r</sup> Esq<sup>rs</sup><sup>1</sup> his heirs and assigns for Ever, provided the Lands contain no more than the quantity of Land aforesaid, and does not interfere with any former Grant, and that the petitioner his Heirs or Assigns well and truly comply with the respective Conditions of the two Grants<sup>2</sup> aforesaid viz<sup>t</sup> of the Eleventh of April last and that of this day. [*Passed June 12.*]

## CHAPTER 19.

ORDER CONFIRMING A PLAT OF 600 ACRES OF LAND FOR THE HEIRS OF B CHURCH ESQ<sup>R</sup> DEC'D.

Legislative  
Records of the  
Council, xvi.,  
157. Maps and  
Plans, Mis.,  
ix., 10.

Maps and  
Plans, Mis.,  
ix., 10. Mass.  
Archives,  
cxviii., 34.  
House Jour-  
nal, p. 19.  
*Ante*, p. 62,  
chap. 125.

A PLAT of Six hundred Acres of Land to fulfill a Grant made by the General Court to Thomas and Charles Church Esq<sup>rs</sup> and the Rest of the heirs of Benjamin Church Esq<sup>r</sup> dec'd, laid out by Daniel Carpenter Surveyor & Chaimmen on oath; lying between the Towns of Taunton & Rehoboth; and begining at a black Oak Tree mark'd, Standing on the East line of Rehoboth, One hundred & Seven Rods to the Southard of Tho<sup>s</sup> Briggs's house; thence Southerly on Rehoboth line five hundred and Sixteen Rods to a Boxwood Stake & Stones by a Rock for a Corner, thence East by the Needle two hundred Rods to a White Oak Stake & Stones by a small Pebble Rock for a Corner, thence Thirty Minutes East four hundred and Eighty Rods to a Stake & Stones near two black Oak trees one in each Range for a Corner, thence West 10 deg<sup>rs</sup> North One hundred & Eighty Rods to the black oak tree first mentioned.

Read and

*Ordered* That the plat be accepted, and the Lands therein delineated & described be & hereby are confirmed unto the said Thomas Church and Charles Church Esq<sup>rs</sup> and the other Grantees in their petition mentioned passed the Court in December last that is to say the North Lot being Number One as it is Set forth in the within plat and Contains One hundred Acres to Thomas Church and Charles Church Esq<sup>rs</sup> their respective Heirs and assigns for Ever, and the remaining five<sup>3</sup> hundred Acres to the Heirs or lawfull Representatives of the said Benjamin Church Esq<sup>r</sup> deceased their Heirs and Assigns respectively for Ever provided the plat exceeds not the quantity of Six hundred Acres of Land and does not interfere with any former Grant. [*Passed June 12.*]

<sup>1</sup> *Sic.*

<sup>2</sup> "Grant," in Maps and Plans, Mis., x., 4, but "Grants," in the Secretary's copy, Legislative Records of the Council, xvi., 157.

<sup>3</sup> MS. illegible.

## CHAPTER 20.

ORDER GRANTING 700 ACRES OF LAND TO THE HEIRS OF JN<sup>O</sup> WILLIAMS DECED.

A PETITION of Mess<sup>rs</sup> Ebenezer Williams, Stephen Williams, and Warham Williams, for themselves and the Rest of the heirs of the Rev<sup>d</sup> M<sup>r</sup> John Williams late of Deerfield deced, praying for a Tract of Land in consideration of their said Fathers Losses & Sufferings in a former War with the Indians & his Services for the Province in the Expedition to Canada, & his Negotiation for the Release of Captives.

Read &

*Ordered* That Seven hundred Acres of the Unappropriated Lands, lying in the County of Hampshire, be and hereby is Granted unto the Pet<sup>rs</sup> & the other Children & heirs of the late Rev<sup>d</sup> M<sup>r</sup> John Williams deced: to be laid out next to Some town and that the Pet<sup>rs</sup> Return a Plat thereof to this Court within twelve months for Confirm<sup>a</sup>. [*Passed June 14.*]

Legislative  
Records of the  
Council, xvi.,  
160.

House Jour-  
nal, p. 34.

## CHAPTER 21.

ORDER ACCEPTING THE ACCOT<sup>T</sup> OF ESSEX C<sup>O</sup> TREASURER.

AN ACCOUNT presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the last year, having been laid before the Court of General Sessions of the peace for the said County, & by them allowed:

Read & Accepted &

*Ordered* that this Accompt be Allowed. [*Passed June 16.*]

Legislative  
Records of the  
Council, xvi.,  
160.

House Jour-  
nal, p. 32.

## CHAPTER 22.

ORDER ADDING SAMUEL DANFORTH TO THE COM<sup>TEE</sup> ON THE BOXFORD PETITION.

*Ordered* that Samuel Danforth Esq<sup>r</sup> be of the Com<sup>tee</sup> Appointed the third Currant on the petition of Job Tyler & others & John Peabody & others of Boxford in the Room of Joseph Dwight Esq<sup>r</sup> who desires to be excused from said Service. [*Passed June 17.*]

Legislative  
Records of the  
Council, xvi.,  
160.

House Jour-  
nal, p. 34.  
*Ante*, p. 128,  
chap. 4.

## CHAPTER 23.

## ORDER FOR TOWN MEETING AT UPTON.

*Ordered* that John Hazelton one of the Principal Inhabitants of the Town of Upton in the County of Worcester be and hereby is fully Authorized and Impowred to Assemble the Freeholders & other Qualified Voters in said Town as soon as may be in some convenient place, to make Choice of Town officers, to stand till the Anniversary Meeting in March next. [*Passed June 17.*]

Legislative  
Records of the  
Council, xvi.,  
160.

House Jour-  
nal, p. 34.

## CHAPTER 24.

ORDER ALLOWING £49. 11 TO JOHN PRESBERY FOR ONE OF THE PROV. ARMS.

Legislative  
Records of the  
Council, xvi.,  
161.House Jour-  
nal, p. 36.

A CERTIFICATE presented by M<sup>r</sup> Treasurer Importing that John Presbury (formerly a Soldier in Cap<sup>t</sup> Daniel Peckers Company) has returned into his hands one of the Province Arms, for which forty Nine Shillings & Eleven pence of his Wages was Stop'd

Read &

*Ordered* that the sum of Forty Nine Shillings & Eleven pence be Granted & paid out of the Publick Treasury to the s<sup>d</sup> John Presbury or order, for what was formerly Stop'd of his Wages in the Service under the Command of Cap<sup>t</sup> Daniel Pecker for a Gun which is Since Returned. [*Passed June 17.*]

## CHAPTER 25.

ORDER GRANTING 300 ACRES OF LAND TO EDM<sup>p</sup> FREEMAN.Legislative  
Records of the  
Council, xvi.,  
161.House Jour-  
nal, p. 35.

A PETITION of Edmond Freeman of Harwich Esq<sup>r</sup> Setting forth his Services as an officer and Commander of Divers Companys in the Wars with the French & Indians, And therefore praying for a Grant of some of the Province land near to Some Township

Read & in answer to this petition,

*Ordered* That three hundred Acres of the Unappropriated Lands of the Province be & hereby are Granted unto the Pet<sup>r</sup> his heirs and Assignes forever provided the Pet<sup>r</sup> his heirs or assignes do within three Years from the Confirmation of the Plat Settle a family on the Granted premisses, that in Order thereto he build an house thereon of Eighteen feet Square and Seven feet Stnd at the least, that he plows and brings to English Grass and fit for mowing and well In-closes Six Acres of the said Land, and that he Return a plat thereof to this Court within twelve Months for Confirmation Accordingly. [*Passed June 17.*]

## CHAPTER 26.

ORDER ACCEPTING THE MIDDLESEX C<sup>o</sup> TREASURERS ACCO<sup>t</sup>.Legislative  
Records of the  
Council, xvi.,  
162.House Jour-  
nal, p. 33.

AN ACCO<sup>t</sup> presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the Year past, having been laid before the Court of General Sessions of the peace for the said County, and by them Allowed;

Read & Aeepted, &

*Ordered* That this Accompt be Allowed. [*Passed June 17.*]



## CHAPTER 27.

ORDER ON THE CONCORD VILLAGE PETITION TO BE ERECTED INTO  
A TOWNSHIP.

A PETITION of Samuel Davis and Thirty three Others Inhabitants and Proprietors of the North westerly part of Concord called the Village or New Grant, Shewing that they have Applied themselves to the Town of Concord for their consent to the said Village being Set off a Seperate Township, which the said Town have Granted; And therefore Praying the Order of this Court for their being set off a Seperate Town by the bounds Set forth in the Petition

Legislative  
Records of the  
Council, xvi.,  
151, 162.

House Jour-  
nal, p. 17.  
Province  
Laws, ii., 763,  
chap. 10.

Read &

*Ordered* that the prayer of the petition be Granted and the peti<sup>rs</sup> have leave to bring in a Bill Accordingly.<sup>1</sup> [*Passed June 17.*]

## CHAPTER 28.

VOTE GRANTING 600 ACRES OF LAND TO THE HEIRS OF REV<sup>D</sup> BENJAMIN ROLFE.

A PETITION of Benjamin Rolfe for himself and the Rest of the heirs of the Rev<sup>d</sup> M<sup>r</sup> Benjamin Rolfe late of Haverhill decd, Shewing that his said Father was employed divers times as Chaplin to the Forces in the late Wars and Once in An Actual Engagement with the Indian Enemy, and afterwards Settled in the work of the Ministry at Haverhill, where he with their Mother was Killed by the Indians; And therefore praying that this Court would Grant to the Pet<sup>r</sup> and his Sisters some of the waste lands of the Province

Legislative  
Records of the  
Council, xvi.,  
162.

House Jour-  
nal, p. 36.

Read and in Answer to this petition,

*Voted* That Six hundred Acres of the Unappropriated Lands of the Province be and hereby are Granted to the Pet<sup>rs</sup> their heirs and Assignes Respectively forever, And that they Return a plat thereof to this Court within twelve Months for confirmation. [*Passed June 17.*]

## CHAPTER 29.

## VOTE GRANTING 250 ACRES OF LAND TO EDWARD SHOVE.

A PETITION of Edward Shove of Dighton, Praying for a Grant of Some of the Waste lands of the Province in consideration of his time and Expence in a Voyage to Richmond Fort, he being Chosen Truck Master at said place in the Year 1731 but afterwards Obtained a Dismission from the said office, as also in consideration of his Serving upon Several Committees of the General Assembly in the Recess of the Court, for all which he has had no allowance

Legislative  
Records of the  
Council, xvi.,  
162.

House Jour-  
nal, pp. 31, 37.  
*Post*, p. 621,  
chap. 123.

Read and in Answer to this petition,

*Voted* That two hundred and fifty Acres of the Province Land be and hereby are Granted to the Pet<sup>r</sup> M<sup>r</sup> Edward Shove his heirs and Assignes forever and that he Return a Plat thereof to this Court within twelve Months for Confirmation. [*Passed \* June 17.*<sup>2</sup>]

<sup>1</sup> The new town was called Acton.

<sup>2</sup> Confirmed December 20, 1739. See the House Journal, p. 162 (December, 1739), and Mass. Archives, xlvii., 99.

## CHAPTER 30.

ORDER ON THO<sup>S</sup> BOYLESTONS PETITION TO RE-ENTER AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
155, 163.

House Jour-  
nal, pp. 25, 35.

A PETITION of Thomas Boyleston of Boston Shopkeeper Shewing That Joseph Parsons and Mathew Adams, as Creditors to Mess<sup>rs</sup> Weeks & Cannington, Recovered Judgment of the Pet<sup>r</sup> for the Sum of £110. 10 out of the Effects of the said Weeks and Cannington in the Pet<sup>r</sup>s hands, and afterwards the said Weeks & Cannington Sued the Pet<sup>r</sup> for the Same money; which Action by the Pet<sup>r</sup>s Ignorance and Mistake went Against him by default; And therefore praying that he may be Impowred to Reenter the said Action at the Inf<sup>r</sup> Court of Common pleas to be holden at Boston for the County of Suffolk in July next and that Execution may be Stay'd in the Mean-time.

Read together with the Answer of Samuel Weeks And the Matter being fully considered.

*Ordered* That the prayer of the Petition be Granted and the Pet<sup>r</sup> is hereby enabled to Reenter the Action within mentioned at the Inferiour Court of Common pleas to be held at Boston for the County of Suffolk on the first Tuesday of July and the Justices of the said Court are impowred and directed to hear and Determine the said Action Accordingly The former Judgment by Default Notwithstanding; and that the Execution against the Pet<sup>r</sup> within mentioned be Stay'd in the Mean time. [*Passed June 17.*]

## CHAPTER 31.

ORDER IMPOWERING CAP<sup>T</sup> THO<sup>S</sup> SMITH TO EFFECT REPAIRS AT THE FORT AND TRUCK HOUSE ON SAGO RIVER.

Legislative  
Records of the  
Council, xvi.,  
163.

House Jour-  
nal, p. 39.

A MEMORIAL of Cap<sup>t</sup> Tho<sup>s</sup> Smith, Commander of the Block house on Saco River, Setting forth that the said Block house is much decayed, the Backside of the Garrison being Rotten and fallen down, as also the Celler floor the Walls being much dammified for want of a Covering of Board or Clapboards; Praying for this Courts order as to the Repairs of the said Block house

Read &

*Ordered* that the Memorialist Cap<sup>t</sup> Thomas Smith be and hereby is fully Impowred to see the Repairs within mentioned well Effectd in the Most prudent Method that may be. [*Passed June 18.*]

## CHAPTER 32.

VOTE ACCEPTING TREASURER ALLENS ACCO<sup>TS</sup>.

Legislative  
Records of the  
Council, xvi.,  
163. Mass.  
Archives,  
cxxiv., 24.

House Jour-  
nal, pp. 30, 31.

THE ACCOMPTS of Jeremiah Allen Esq<sup>r</sup> Treasurer and Receiver General of his Majestys Province of the Massachusetts Bay in New England begining May 29. 1734 and Ending May 28<sup>th</sup> 1735 Amounting to the Sum of One hundred twenty Six Thousand Seven hundred and Sixty Nine pounds three shillings and four pence, having been presented and laid before the House of Represent<sup>a</sup> and Inspected by said House; by which it Appears that there was outstanding the 28<sup>th</sup> of May 1735, Sev-

enty two Thousand two hundred & Sixty three pounds three shillings and One penny, of the Taxes, Loans Interest money &c ; That M<sup>r</sup> Treasurer hath made payment to Sundry persons of the sum of Thirty two Thousand four hundred Eighty three pounds Nineteen shillings and three pence, by Warrants on him, that there is Remaining of Neet province Bills in the Treasurers hands the sum of Twenty two Thousand twenty two pounds one shilling

*Voted* That the said Accompt in the several Articles of Receipts and payments therein mentioned Amounting to the sum Thirty two thousand four hundred and eighty three pounds Nineteen shillings and three pence be and hereby is Accepted and M<sup>r</sup> Treasurer is discharged of the said sum Accordingly; And that for the sum of seventy two thousand two hundred Sixty three pounds three shillings and one penny outstanding of the Taxes Loans Interest Mony &c also for Twenty two thousand twenty two pounds one shilling Neet province Bills remaining in his hands which two sums Amounting to Ninty four thousand two Hundred and Eighty five pounds four shillings and One penny M<sup>r</sup> Treasurer is further Accountable for. [*Passed June 18.*]

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## CHAPTER 33.

### VOTE ABOUT A TOWN MEETING OF THE INHABITANTS OF THE TOWNSHIP GRANTED TO MARBLEHEAD.

*Voted* That the Proprietors or Grantees Admitted into the Grant<sup>1</sup> made to the Inhabitants of Marblehead of the Contents of Six Miles square shall and may, upon their drawing the Home lots laid out, assemble and Chuse a moderator & proprietors Clerk, and Agree upon Methods for the Speedy Carrying on the Settlement and how proprietors Meetings shall be Carried on for the future. [*Passed June 19.*]

Legislative  
Records of the  
Council, xvi.,  
166.

House Jour-  
nal, p. 46.  
*Ante*, p. 71,  
chap. 145.

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## CHAPTER 34.

### VOTE GRANTING 150 ACRES OF LAND TO CORN<sup>S</sup> HALL.

A PETITION of Cornelius Hall of Falmouth, Setting forth that He was Wounded in the Publick Service, by which he is much disabled from Labour, that he has twice Received a consideration out of the Publick Treasury on that Account, but has had nothing for Several Years; And therefore praying for a pension, or for Some of the waste lands of the Province

Read & in Answer to this petition

*Voted* That one hundred and fifty Acres of the Unappropriated Lands of the Province be and hereby is Granted to the petitioner his heirs & assigns forever the land to ly in the County of York & that he Return a plat thereof to this Court within twelve Months for Confirmation. [*Passed June 19.*]

Legislative  
Records of the  
Council, xvi.,  
166.

House Jour-  
nal, pp. 36, 38.  
Province  
Laws, xi., 93,  
chap. 244; 163,  
chap. 72.

<sup>1</sup> Windham, Maine.

## CHAPTER 35.

## ORDER OF NOTICE ON THE PETITION FOR DIVIDING THE COUNTY OF SUFFOLK.

Legislative  
Records of the  
Council, xvi.,  
166.

House Jour-  
nal, p. 40.

A PETITION of Divers Represent<sup>a</sup> of the Towns in the County of Suffolk Setting forth the Great Inconveniencys arising to the Country Towns in said County from their being in the same County with the Town of Boston; and Praying that the said County may be divided and the Country Towns Set off from Boston

Read &

*Ordered* that this petition be referr'd to the next Sitting of this Court for consideration, and that in the mean time, Such of the Towns in the County of Suffolk as have Represent<sup>a</sup> in the General Court, the said Represent<sup>a</sup> Notify their Respective Towns of this petition; and that the Pet<sup>rs</sup> Serve the other Towns in the said County With a Copy of this petition that all the said Towns then shew Cause why the prayer thereof should not be Granted. [*Passed June 19.*]

## CHAPTER 36.

## VOTE GRANTING A TOWNSHIP TO SHUBAL GOREHAM AND OTHERS.

Legislative  
Records of the  
Council, xvi.,  
167. Mass.  
Archives,  
cxiv., 118.

Mass.  
Archives,  
cxiv., 116.  
House Jour-  
nal, pp. 39, 40.  
*Infra*, chap. 37.

A PETITION of Shubal Goreham Esq<sup>r</sup> for himself & others that Served in the Comp<sup>a</sup> of Cap<sup>t</sup> John Goreham in the Expedition Against Canada in the Year 1690, and the Descendants of such as are deceased praying for the Grant of Land for a Township in Consideration of the hardships they endured in said Expedition or their Ancestors

In the House of Representatives In Answer to the Petition of Shubal Goreham & others who Were in the Expedition to Cannada in the Year 1690 or y<sup>e</sup> Descendants of Such as were lost or are since Dead.

*Voted* that the Prayer of the Petition be granted & that Shubal Goreham Esq<sup>r</sup> & M<sup>r</sup> Sam<sup>l</sup> Sturgis jun<sup>r</sup> together with such as shall by<sup>1</sup> joined by the Hon<sup>ble</sup> Board be a Committee at the Charge of the Govern<sup>mt</sup> To lay out a Township of the Contents of six Miles square North of & Adjoining to the Township Reported on in favour of sundry Petitioners of Salem and Marblehead. And that they Return a Plat thereof to this Court within Twelve Months for Confirmation And for the More Effectual bringing forward the Settlem<sup>t</sup> of the said New Town

*Ordered* that the said Town be laid out into Sixty three Equal Shares one of w<sup>ch</sup> to be for the first Settled Minister one for the Ministry & one for the School & that on Each of the other Sixty Shares the Petitioners do within three years from the Confirmation of the Plan have settled one Good Family who shall have a House Built on his Home Lot of Eighteen Feet Square & Seven feet stud at the Least & finished, That Each Right or Grant have Six Acres of Land brought to and ploughed or brought to English Grass & fitted for Mowing. That they Settle a Learned Orthodox Minister & Build & Finish a Convenient Meeting House for the Publick Worship of God: Provided that in Case any of the Lots or Rights are not duly Settled in all Regards as aforesaid

<sup>1</sup> "Be," in Legislative Records of the Council, xvi., 167.

then such Lott with the Rights thereof to Revert to and be at the Disposition of the Province.

In Council

Read & Concurred & Jeremiah Mouton Esq<sup>r</sup> is joined in the Affair.  
[*Passed June 19.*]

## CHAPTER 37.

### VOTE ON THE PETITION OF SAM<sup>L</sup> KING & OTHERS TO LAY OUT A TOWNSHIP.

A PETITION of Samuel King & others, who were in the Expedition to Canada in the Year 1690 and the Descendants of such of them as are dead, praying for a Grant of Land for a Township in consideration of their or their Aneestors Sufferings in the said Expedition

Legislative  
Records of the  
Council, xvi.,  
167.

In the House of Represent<sup>a</sup> Read &

House Jour-  
nal, p. 39.  
*Post*, p. 265,  
chap. II.  
*Supra*, chap.  
36.

*Voted* that the prayer of the petition be Granted and that M<sup>r</sup> Samuel Chandler & M<sup>r</sup> John Hobson, together with such as shall be Joined by the Hon<sup>ble</sup> Board, be a Com<sup>tee</sup> at the Charge of the Government to lay out a Township of the Contents of Six Miles Square and West of the Narragansett Town Called Number three and that they Return a Plat thereof to this Court within twelve Months for Confirmation; and for the more Effectual bringing forward the Settlement of the said New-town,

*Ordered* that the said Town be laid out into Sixty three Equal Shares, One of which to be for the first Settled Minister, One for the Ministry and one for the School; and that on each of the other Sixty Shares the Petitioners do within three Years from the Confirmation of the Plan have Settled One Good family who shall have a house built on his Home lott of Eighteen feet Square and Seven feet Stud at the least, and finished, that each Right or Grant have Six Acres of Land brought to and plowed or brought to English Grass and fitted for mowing, That they Settle a learned orthodox Minister and build & finish a Convenient Meeting house for the publick Worship of God; provided that in Case any of the Lotts or Rights are not duly Settled in all Regards as aforesaid, then such Lott with the Rights thereof to Revert to and be at the Disposition of the Province

In Council Read & Concurr'd and Samuel Welles Esq<sup>r</sup> is Joined in the Affair. [*Passed \* June 19.*]

## CHAPTER 38.

### ORDER CONFIRMING A PLAT OF THE TOWNSHIP GRANTED TO MARBLEH<sup>D</sup> INHABITANTS.

A PLAT of the Township Granted by this Court to the Inhabitants of Marblehead of the Contents of Six Miles Square, Surveyed by Jonas Houghton Survey<sup>r</sup> and Chain men on Oath, lying on the back-side of Falmouth; Begining at Saccarippee falls in Pesumseutt River, and Running up said River to a great Pond Called great Jebego Pond, then north 45 Deg. East four miles & one hundred and twenty Rods, thence South 45 Deg East, to North Yarmouth backline; thence three Miles South 45 Deg. West to the Corner of North Yarmouth and fal-

Legislative  
Records of the  
Council, xvi.,  
168. Maps and  
Plans, Mis.,  
ix., 5.  
Maps and  
Plans, Mis.,  
ix., 3, 5. House  
Journal, p. 41.  
*Ante*, p. 71,  
chap. 145.



mouth bounds; thence South 24° 20, Eight Miles & Sixty Rods to the Said Sacarippe Falls.

Read and

*Ordered* That the plat be & hereby is Accepted and the Lands therein delineated and described are accordingly confirmed unto the Grantees admitted by a Committee of this Court on the petition of Abraham Howard and Joseph Blany Esq<sup>rs</sup> in behalf of sundry Inhabitants of Marblehead in December last, their Heirs and Assigns for Ever respectively, provided the petitioners their Heirs or Assigns effectually comply with & perform the Conditions of the Grant in all respects, provided also the plat exceeds not<sup>1</sup> the quantity of Six Miles square exclusive of ponds and Water and does not interfere with any former Grant.<sup>1</sup> [*Passed June 19.*]

## CHAPTER 39.

### VOTE FOR FOUR TOWNS TO CANADA SOLDIERS.

IN THE HOUSE OF REPRESENTATIVES, In answer to the Petition of Samuel Newell & Others Thomas Tileston & Others Samuel Gallop & Others and Abraham Tilton & Others

*Voted* that four several Tracts of Land for Townships, each of the Contents of Six Miles Square be laid out in suitable places in the Western parts of this Province, and that the whole of each Town be laid out into sixty three equal Shares, one of which to be for the first Settled Minister, one for the use of the Ministry, and one for the School, and that on the other Sixty Shares in each Town there be sixty Settlers Admitted; and in the Admission thereof preference to be given to the Petitioners such as are the Decendants of the Officers and Soldiers who Served in the Expedition to Canada in the year 1690 viz<sup>t</sup>

One Tract of Land for a Township to the said Samuel Newell & Others, one other Tract of Land to the said Thomas Tilestone & Others, One other Tract of Land to the said Samuel Gallop and others, and the other Tract of Land to the said Abraham Tilton & Others, and in case there be not a sufficient Number of persons named in each of the said four petitions, as were Either Officers or Soldiers in the said Expedition, or the Decendants of such as were lost or are since deceased, so as to make Sixty Settlers for each Town, that then such others as were in the Expedition or their Decendants be Admitted. And in as much as the Officers and Soldiers in that Expedition were very great Sufferers and underwent Uncommon hardships.

*Voted* That this Province be at the Sole Charge of laying out the said four Townships in a Regular manner, and of Admitting the Settlers: that the Settlers and Grantees be & hereby are Obligated to bring forward the Settlement of the said four Townships, in as Regular and defensible a manner, as the Situation and Circumstances of the Places will admit of; and that in the following manner viz<sup>t</sup> That they be on the Granted premises Respectively and have each of them an house of Eighteen feet square and seventeen<sup>2</sup> feet Stud at the least, that each Right or Grant have six Acres of Land brought to and Plowed or brought to English Grass & fitted for mowing, That they respectively Settle in each Plantation or Township a learned Orthodox Minister, and Build a convenient meeting house for the Publick worship of God in each Township; The whole of these Conditions to be duly complied with within five years from the Confirmation of the Plats; And that John Bowles Esq and John Metcalf with such as the Honourable Board shall appoint be

Legislative Records of the Council, xvi., 168, Mass. Archives, cxviii., 479.

House Journal, pp. 25, 26, 40, 41. *Post*, p. 252, chap. 287.

<sup>1</sup> MS. mutilated.

<sup>2</sup> "Seven" in both copies of Legislative Records of the Council.

the Committee for laying out the Township hereby granted to Samuel Newell & others Thomas Tilestone Esq & M<sup>r</sup> William Royall with such as the Hon<sup>ble</sup> Board shall appoint be a Committee for laying out the Township hereby Granted to Thomas Tilestone and Others, Charles Church and Joseph Mason Esq<sup>rs</sup> with such as the Honourable Board shall appoint be a Committee for laying out the Township hereby Granted to Samuel Gallop and Others, & Capt<sup>n</sup> John Hobson & Capt<sup>n</sup> John Choat with such as the Honourable Board shall appoint be a Committee for laying out the Township hereby Granted to Abram Tilton and Others, for laying out the said Townships Respectively and Admitting the Settlers as aforesaid, who shall take bond of each Grantee, to the Value of Twenty pounds to the Province Treasurer for the respective Grantees fulfilment of their Grants; each lot as aforesaid to be entitled to and draw future divisions in equal proportions in the Townships or Plantations Respectively; and that the Committees, return the plats of the Townships to this Court within twelve Months for confirmation as also a list of the names of the Respective Grantees and their place of Residence into the Secretary's Office, that so the same may be Examined by a Committee that may be appointed hereafter for that purpose by this Court: And it is hereby further

*Ordered* that in case any of the Grantees shall neglect or delay to fulfill the Terms of this Grant such Person or Persons shall forfeit to the Province all his or their Right and Interest in the Land hereby Granted.

In Council. Read and Concurred, and

*Ordered* that William Dudley Esq be joined to the Committee for laying out the first Township, Joseph Wilder Esq for the Second, Edward Goddard Esq for the third, and Thomas Berry Esq for the fourth Township. [*Passed \* June 19.*]

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## CHAPTER 40.

### ORDER OF NOTICE ON THE PETITION FOR DIVIDING THE COUNTIES OF MIDDLESEX & WORCESTER.

A PETITION of Benjamin Prescott Esq<sup>r</sup> & M<sup>r</sup> Joseph Blanchard in behalf of divers Towns in the Countys of Middlesex & Worcester Setting forth that the said Countys are of a large Extent and the Towns that are most distant from the Shire Towns are put to Great Inconveniencys as to their Inhabitants Attending on the Courts of Justice and on other Acco<sup>ts</sup> And therefore praying that the Towns of Chelmsford Billerica, Groton, Dunstable, Littleton, Westford, Dracutt, Nottingham, Townshend Lunenburg, Harvard, Tewksbury & Litchfield, which lye Conveniently for that purpose, may be Erected into a Distinct County

Read &

*Ordered* that the petition be Referred to the next Sitting of the Court for consideration and that in the mean time the pet<sup>rs</sup> Serve such Towns, as they pray for to be Erected into a Seperate County who have not petitioned therefor, with a Copy of the petition, that they shew Cause if any they have, why the prayer thereof should not be Granted, And the Members of this Court belonging to the Respective Towns in the Countys of Middlesex & Worcester may also if they see Cause Notify their Respective Towns that they may also give their Reasons why the prayer of the petition should not be Granted. [*Passed June 19.*]

Legislative  
Records of the  
Council, xvi.,  
170.

House Jour-  
nal, p. 40.

## CHAPTER 41.

VOTE GRANTING A TOWNSHIP TO ROBT HALE ESQ<sup>R</sup> & OTHERS.

Legislative  
Records of the  
Council, xvi.,  
170.

House Jour-  
nal, pp. 26, 27.  
*Post*, p. 238,  
chap. 253.

A PETITION of Robert Hale Esq<sup>r</sup> in behalf of the Officers & Soldiers that were in the Expedition Against Canada in the Year 1690 Under the Command of Cap<sup>t</sup> William Raymond,<sup>1</sup> most of whom belonged to the Town of Beverly, which Town has had no Grant of land from the Province excepting, some few Narragansett Soldiers, and the heirs of the Pet<sup>r</sup>s Grandfather, that the said Soldiers in the Canada Expedition endured Great hardship; And therefore praying for a Grant of land of Six Miles Square for a Township for the said Soldiers & their Represent<sup>a</sup>

In the House of Represent<sup>a</sup> Read & in Answer to this petition

*Voted* That a tract of the Unappropriated Lands of the Province of the Contents of Six Miles Square be & hereby is Granted to the pet<sup>rs</sup> their heirs and assigns Respectively for a Township, to lye in Some Suitable place so as not to Spoil or incommode the Settlement of an other Town, and that the Grantees be & hereby are obliged to bring forward the Settlement of the said Township in as Regular and Defensible a manner as the Situation & Circumstances of the place will Admit of, in the following manner, viz<sup>t</sup> that each Grantee or his heirs or Assignes build an house on his Respective Lot or Share of Eighteen feet Square and Seven feet Stud at the least, and plow and bring to English Grass & fit for mowing, Six Acres of Land; and that they Settle a Learned Orthodox Minister and Build a Convenient Meeting house for the Publick Worship of God, That one Sixty third part of the Township be and hereby is Granted to the first Settled Minister, the like quantity for the use of the Ministry, and the like quantity also for the use of the School, in all the divisions of the said Township; That the said Grantees be and hereby are Obligated to Comply with all the Conditions within five Years; And that Robert Hale and John Wainwright Esq<sup>rs</sup> with such as shall be Appointed by the Hon<sup>ble</sup> Board, be a Com<sup>tee</sup> to lay out the said Township, at the Charge of the Province; and the committee is directed to take Bond of each Grantee of Twenty pounds for the fulfillment of the Conditions aforesaid, the bonds to be made to the Province Treasurer and in Case any of the Grantees fail of the performance of his Grant, such person shall forfeit all Right Title or pretence thereto to the Province to be disposed of as this Court shall think proper; The Com<sup>tee</sup> to Return a Plat of the said Township to this Court within twelve Months for Confirmation

In Council Read & Concurr'd and Ebenezer Burrill Esq<sup>r</sup> is Joined w<sup>th</sup> the Com<sup>tee</sup> of the House for the above Affair. [*Passed \* June 19.*]

## CHAPTER 42.

ORDER OF NOTICE ON JN<sup>O</sup> MAVERICKS PETITION FOR LEAVE TO BRING AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
171.

House Jour-  
nal, p. 47.

A PETITION of John Maverick of Boston Shopkeeper Complaining of the Irregular Conduct of the Sheriff of the County of Suffolk in his proceedings with One Jeremiah Osgood a Debtor to the Pet<sup>r</sup> more Especially in his Refusing to deliver to the Pet<sup>r</sup> the Bail Bond of the said Osgood that so he may put it in Suit Against his Suretys and praying for Relief  
Read &

<sup>1</sup> The House Journal, p. 27, reads, "*William Rayment.*"

*Ordered* that the Pet<sup>r</sup> Serve Edward Winslow Esq<sup>r</sup> the Adverse party with a Copy of the petition that he may Shew Cause on Friday the twentieth Instant (if any he have) why the prayer thereof should not be Granted.<sup>1</sup> [*Passed June 19.*]

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## CHAPTER 43.

### ORDER IMPOWERING THE TOWN OF MEDFORD TO SURVEY AND LAY OUT 1,000 ACRES OF LAND.

A PETITION of the Inhabitants of the Town of Medford, Shewing that the said Town is of the Smallest Extent of any in the Province, and yet their Town Charges Extremely high, so that the Maintenance of the Ministry & School is very Chargable to them, and therefore praying for a Grant of some of the waste lands of the province, to be Appropriated for the Support of a Minister & Schoolmaster in the said Town                      Read &

Legislative  
Records of the  
Council, xvi.,  
171.

House Jour-  
nal, p. 46.

*Ordered* that the Prayer of the petition be So far Granted, as that the Town of Medford is hereby allowed & Impowred by a Survey<sup>r</sup> & Chainmen on Oath to Survey & lay out One Thousand Acres of the Unappropriated Lands of the Province, and Return a plat thereof to this Court within twelve months for confirmation, for the uses within mentioned. [*Passed June 20.*]

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## CHAPTER 44.

### ORDER ALLOWING £10 TO THE TOWN OF HOPKINTON.

A PETITION of John Jones Esq<sup>r</sup> Represent<sup>a</sup> of the Town of Hopkinton, praying that this Court would Remit the fine of ten pounds, laid on the said Town in the Tax Act, for not Sending a Represent<sup>a</sup> the last year, the Town being very poor and not Apprehending at the time that they were Obligated by Law to Send a Representative                      Read &

Legislative  
Records of the  
Council, xvi.,  
172.

House Jour-  
nal, p. 47.  
Province

Laws, ii., 726,  
chap. 13; 730.

*Ordered* that the prayer of the petition be Granted, and the Sum of Ten pounds is accordingly Granted and Allowed to be paid out of the Publick Treasury to the Order of the Town of Hopkinton, to Reimburse them the Sum of ten pounds they paid into the Treasury on Accompt of the said Fine. [*Passed June 20.*]

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## CHAPTER 45.

### VOTE GRANTING A TOWNSHIP TO JAMES WARREN ESQ<sup>r</sup> & OTHERS.

A PETITION of Major James Warren, for himself and others, that Served in the Expedition against Canada in the Year 1690, Under Joseph Sylvester, or are the Representatives of such of the said Soldiers as are deceased: Praying for a Tract of the Province Lands of the Contents of Six Miles Square for a Township to Settle on, in consideration of the great hardships they or their Ancestors endured in the said Expedition.

Legislative  
Records of the  
Council, xvi.,  
172.

House Jour-  
nal, pp. 46, 47.  
*Post*, p. 289,  
chap. 66.

<sup>1</sup> At the hearing on the 27<sup>th</sup> June, 1735, House Journal, p. 75, the petition was dismissed; according to Legislative Records of the Council, xvi., 192, the hearing was June 28<sup>th</sup>.



Read &

*Voted* That a Tract of the Unappropriated Lands of the Province of the Contents of Six Miles Square be and hereby is Granted to the Pet<sup>rs</sup> their heirs and Assignes Respectively forever, for a Township, to lye in Some Suitable place; That the Grantees be and hereby are obliged to bring forward the Settlement of the said Township, in as Regular a manner as the Situation and Circumstances of the said Town will Admit, in the following manner viz<sup>t</sup> That each Grantee his heirs or assignes build an house on his Respective Lott or Share of Eighteen feet Square & Seven feet Stud at the least, and plow & bring to English Grass & fit for mowing Six Acres of land; And that they Settle a Learned orthodox Minister, & build a Convenient Meeting house for the Publick Worship of God; that one Sixty third part of the said Township be and hereby is Granted to the first Settled Minister, the like quantity for the use of the Ministry, & the like quantity for the use of the School, in all the Divisions of the said Township; that the Grantees be and hereby are obliged to give a Bond of Twenty pounds for the Fulfilment of the Conditions aforesaid; the Bonds to be made to the Treasurer of the Province, and in Case any of the Grantees shall fail of the performance of his Grant, such person shall forfeit all Right Title & pretence thereto in the Province, to be disposed of as this Court shall think proper. [*Passed\* June 20.*]

## CHAPTER 46.

### ORDER CONFIRMING 20 ACRES OF LAND TO ANDOVER SOUTH PRECINCT.

Legislative  
Records of the  
Council, xvi.,  
173.

House Jour-  
nal, p. 48.  
Province  
Laws, ix., 121,  
chap. 9.

A PETITION of the Agents for the South Precinct in Andover, Shewing that a Committee of the General Court, in the Year 1710, Reported the laying out four Several peices of land for the ministry, in said precinct; which Report was Aceepted, and the Lands Confirmed to the precinct Accordingly; but so it happened there was a great Mistake in the Entry of the said Report in the General Court Book: one of the lines in the last Article of twenty Acres is left out by which means the Article as it stands is Ineffectual Which Article was intended to be as follows viz<sup>t</sup> “Granted to the said South precinct in Andover as part of their parsonage, a parcell of Land about One half Mile distant from the Ministry house and Meeting house in said precinct, containing twenty Acres bounded as follows viz<sup>t</sup> begining at a Walnutt bush (now a Small tree) on a Rising Ground where a Smiths Shop Stood formerly, thence Runing Northerly Seventy Six poles to a pillar of Stones thence Easterly forty one poles to a White Oak tree Marked, (Deacon William Lovejoys land adjoining on the Northerly Side of the Line last mentioned) from thence Southerly forty three poles to a black Oak tree mark’d (Samuel Abbots land Adjoining on the Easterly Side of this line) from thence by the Country Road Six poles to the first bounds” According to which bounds the Land has been possessed & improved; Therefore praying the Order of this Court for Rectifying the said Mistake and Confirming to the said precinct the said twenty aeres of land by the line above mentioned.

Read &

*Ordered* that the prayer of the petition be Granted and that the twenty Acres of land within mentioned be Confirmed to the South precinct in Andover According to the bounds particularly Set forth in this petition. [*Passed June 20.*]



## CHAPTER 47.

ORDER OF NOTICE ON BEN. ELIOTS PETITION FOR CONFIRMATION OF  
A DEED.

A PETITION of Benjamin Eliot of Beverly in the County of Essex, Shewing that his Grandfather Andrew Eliot decēd, by his will, bequeathed unto William Eliot the pet<sup>rs</sup> father (now also decēd) and to the heirs of his body Lawfully begotten a Farm which he bought of Zachariah Symmes of Charlestown, that the Deed given to the pet<sup>rs</sup> Grandfather by the said Zachariah & Dorcas his wife (in whom the Fee lay) being Casually Defaced & for Sometime Mislaid, it was not put upon Record That the pet<sup>rs</sup> further Obtained of the said Dorcas a Quitclaim of the said Land to him his heirs and assigns, by which a great part of the pet<sup>rs</sup> Inheritance will go to his Brothers & Sisters; And therefore praying that the first mentioned Deed, which is latly found (thô much Defaced) may be confirmed by the Order of this Court.

Read &

*Ordered* that the pet<sup>r</sup> Serve the Other Children of William Eliot decēd, as well as the Admors of his Estate with a Copy of the petition, that they Shew Cause on the first Fryday of the next Sitting of the Court (if any they have) why the prayer thereof should not be Granted, and the petition is Referr'd in the mean time. [*Passed June 20.*]

Legislative  
Records of the  
Council, xvi.,  
174.  
House Jour-  
nal, pp. 33, 48.

## CHAPTER 48.

ORDER APPOINTING A COM<sup>TEE</sup> FOR LAYING OUT A TOWNSHIP TO CAP<sup>T</sup>  
SYLVESTERS C<sup>O</sup>.

In the House of Represent<sup>a</sup>

*Voted* that John Cushing jun<sup>r</sup> & James Warren Esq<sup>r</sup> with Such as the Hon<sup>ble</sup> Board shall Appoint be a Com<sup>tee</sup> to lay out the Township lately Granted to the Officers & Soldiers & the Represent<sup>a</sup> of such as are deceased, who were in the Canada Expedition Anno 1690, Under the particular Command of Cap<sup>t</sup> Joseph Silvester late decēd, and that the Com<sup>tee</sup> Return a plat of the Township to the Court within twelve Months for confirmation, and take Effectual Care that the Grantees comply with the Several Conditions of the Grant In Council Read & Concurr'd and Samuel Thaxter Esq<sup>r</sup> is Joined in the Affair. [*Passed June 21.*]

Legislative  
Records of the  
Council, xvi.,  
175.  
House Jour-  
nal, pp. 49, 50.  
*Ante*, p. 145,  
chap. 45.

## CHAPTER 49.

ORDER SUBSTITUTING MR WILLIAM FAIRFIELD FOR MR SAMUEL DAN-  
FORTH ON THE COM<sup>TEE</sup> ON THE BOXFORD AFFAIR.

*Ordered* that M<sup>[r]</sup> William Fairfield be of the Com<sup>tee</sup> on the two petitions from some of the Inhabitants of Boxford in the Room of Samuel Danforth Esq<sup>r</sup> who prays to be Excused from that Service. [*Passed June 21.*]

Legislative  
Records of the  
Council, xvi.,  
175.  
House Jour-  
nal, p. 53.  
*Ante*, p. 135,  
chap. 22.

## CHAPTER 50.

ORDER OF NOTICE ON JUDITH & MARY FISHERS PETITION FOR LEAVE  
TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xvi.,  
175.

House Jour-  
nal, p. 50.

A PETITION of Judith & Mary Fisher (Executors of the last will & Testament of Joshua Fisher late of Dedham deced) & others, praying for Liberty to Review an action against Mary Vose of Dorchester & others commenced by them for Recovering Certain Rights in dorchester belonging to their Ancestor Elder Wiswal deced; which Action went against the pet<sup>rs</sup> by Reason of the Concealm<sup>t</sup> of a paper Necessary in the Cause, which defect is Supplied by a Vote of the Proprietors of Dorchester pass'd Since the last Trial.

Read &

*Ordered* that the petition be Referr'd to the next Sitting of the Court for consideration, and that in the mean time the pet<sup>rs</sup> Serve the Adverse party Henry Vose with a Copy of the petition that he shew Cause on the first Thursday of the said Sitting why the prayer thereof should not be Granted.<sup>1</sup> [*Passed June 21.*]

## CHAPTER 51.

## ORDER ALLOWING £24 TO THE TOWN OF FALMOUTH.

Legislative  
Records of the  
Council, xvi.,  
176.

House Jour-  
nal, p. 48.  
Province  
Laws, ii., 726,  
chap. 13; 733.

A PETITION of Cap<sup>t</sup> Joseph Robinson Represent<sup>a</sup> of the Town of Falmouth in the County of Barnstable, Shewing that the Inhabitants of the said Town Apprehended that they were not obliged to Send a Represent<sup>a</sup> to the Court because they<sup>2</sup> were not Sixty qualified Voters, being Ignorant that the Law that States that number is disallowed; And praying that their Fine of Twenty four pounds for not Sending a Represent<sup>e</sup> may be Remitted to them

Read &

*Ordered* that the prayer of the petition be Granted; and the Sum of Twenty four pounds is hereby Accordingly Granted and Allowed to be paid out of the Publick Treasury to the order of the Town of Falmouth in the County of Barnstable to Reimburse them the Fine within mentioned. [*Passed June 21.*]

## CHAPTER 52.

ORDER IMPOWERING THE HEIRS OF JOHN WATTS DECED TO EXECUTE  
A DEED.

Legislative  
Records of the  
Council, xvi.,  
176.

House Jour-  
nal, pp. 52, 53.

A PETITION of John Penhollow Esq<sup>r</sup> (Guardian of Lydia Watts) & Elizabeth his wife, Executrix of John Watts Esq<sup>r</sup> Deced Caleb Richardson and Elizabeth his wife and John Watts Mariner, which said Lydia Watts and Elizabeth Richardson are Children of the said John Watts deced, Shewing that the said John Watts dyed Seized of three Eighths & one Thirty Second part of the Grist Mill in Charlestown, which are of little profit to the Pet<sup>rs</sup> & will Shortly Require a Great

<sup>1</sup> At the hearing November 22, 1735, House Journal, p. 101, this petition was dismissed.

<sup>2</sup> *Sic*, in both copies of Legislative Records of the Council.

Charge for Repairs And therefore praying that they may be Impowred to Sell the said Estate.

Read &

*Ordered* that the prayer of the petition be Granted and the Pet<sup>rs</sup> are Accordingly enabled to Execute a deed of the Estate within mentioned, which shall to all Intents and purposes convey the property to the purchaser & his heirs and assigns; Provided John Penhallow Esq<sup>r</sup> in behalf of Lydia Watts and Caleb Richardson in behalf of Lydia<sup>1</sup> his wife give Security in double the value to the Judge of Probates for the County of Middlesex, that the said Lydia & Elizabeth shall Receive the full value of their part of the premisses at their Arrival at the age of Twenty-one Years, or in Case of the Decease of both or Either of them before that Age, that then their Legal Represent<sup>s</sup> Respectively shall Receive the same, and that the Interest or use of Lydia's proportion in the Mean time shall be Improved for her benefit. [*Passed June 21.*]

## CHAPTER 53.

### ORDER IMPOWERING COLLECTORS TO RECEIVE TAXES AFTER THE EXPIRATION OF AN ACT.

A PETITION of Rowland Houghton for himself and in behalf of the Other Collectors of the Taxes at North Yarmouth, Setting forth many Difficultys they are under in the Execution of their office, more Especially by Reason of the Expiration of the Act Impowring Collectors to make distress on the lands of Non Resident Proprietors, Shewing that the Proprietors Clerk has Represented that there are many mistakes in the Entries in the Proprietors Book that there is Great Inconvenience in the Number of Lotts being entred in figures and not in Words at length; Praying the Direction & order of this Court for Remedying the Inconveniencys abovementioned

Read and inas much as the Rates mentioned in this petition were assessed on the Inhabitants of the Town of North Yarmouth, as also the Debt due from the Estate of the late Cap<sup>t</sup> Parker, which was part of a Rate to him in his life time committed, and Collected, but not paid into the Town Treasury, as appears by the Report of the North Yarmouth Com<sup>tee</sup> Accepted and Approved by this Court; Therefore

*Voted* that the Collectors of the said Rates and Debt, Notwithstanding the Expiration of the Law for Subjecting Lands to be sold, the owners whereof Refuse or Neglect to pay the Taxes assessed on them by order of the General Court, shall [be] & hereby are Authorized and Impowred to Recover the said Assessments & Debts as fully to all Intents as if the s<sup>d</sup> Law were in force and not expired, and that the other Collectors of Taxes upon the Proprietors to whom assessments were Committed proceed according to the Direction & Rules in the said Expired Act and the Warrants annexed to such Rates. [*Passed June 23.*]

Legislative  
Records of the  
Council, xvi.,  
177.

House Jour-  
nal, p. 56.  
Province  
Laws, ii., 616,  
chap. 9.

<sup>1</sup> This *should* be Elizabeth (House Journal, p. 53), though it is Lydia in both copies of the Legislative Records of the Council.

## CHAPTER 54.

## ORDER IMPOWERING MOSES SPEEN TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
177.

House Jour-  
nal, pp. 51, 52.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 93,  
chap. 200.

THE COM<sup>TEE</sup> on the Petition of Moses Speen of Natick Indian, [*ante*, p. 93, chap. 200] gave in the following Report viz<sup>t</sup>

Pursuant to the Order of Court we have Attended said Service, and have Enquired of Sundry persons, both English & Indians, concerning the Circumstances of the Pet<sup>r</sup> Moses Speen; who all Agree that he is a Lame man, and not able to Labour and that he Stands in very much Need of a Comfortable house to dwell in, and is not able any other way to build one but in the way he petitions for, namely by Selling Some of his Land to procure money to defrey the Charges thereof; We are therefore humbly of Opinion that so much of his common lands lying in the common and Undivided Lands in Natick as the produce thereof may be Judged Sufficient to build a Small comfortable house for him to dwell in, be Sold for the Most the same will fetch being first Posted up Agreeable to the Law of the Province made in the Sixth Year of King George the first Chap. 3<sup>d</sup>; And that the said Moses Speen be Enabled to Execute a Good and Lawfull Deed of the premisses to the purchaser, and that a Com<sup>tee</sup> be Chosen to see that Justice be done in the Sale of said Lands, and also to see that the produce thereof be Improved for the Erecting building & finishing of the House above mentioned for the benefit of the said Moses Speen. All which is humbly Submitted by the Com<sup>tee</sup>

EBENEZER ALLEN  
OXENB. THATCHER

Read &

*Ordered* that this Report be Accepted and that the pet<sup>r</sup> be and hereby is Impowred to make Sale of so much of his Right in the Common and Undivided Lands mentioned in this petition, as shall be Judged by the Com<sup>tee</sup> hereafter named, Sufficient to build him a Comfortable house to dwell in and that he have leave to execute in due form of Law a Deed of said Land to such person as will give most for the Same, Notification of such Sale being first posted up Agreeable to the Law of this Province, made in the Sixth Year of the Reign of his late Majesty King George the first Chap. 3<sup>d</sup> and that such Instrument make a Good Title to the purchaser his heirs and assigns forever; and that M<sup>r</sup> Oxenbridge Thacher & M<sup>r</sup> Ebenezer Allen be the Com<sup>tee</sup> to see that Justice be done the pet<sup>r</sup> in the Sale of the premisses and that the produce thereof be Improved for the purposes before mentioned & the Pet<sup>rs</sup> benefit. [*Passed June 23.*]

## CHAPTER 55.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO DOM<sup>S</sup> JORDAN.

Legislative  
Records of the  
Council, xvi.,  
179. Maps and  
Plans, Mis.,  
ix., 9.

Maps and  
Plans, Mis.,  
ix., 9. House  
Journal, p. 56.  
*Ante*, p. 29,  
chap. 57.

A PLAT of three hundred Acres of land, Granted to Cap<sup>t</sup> Dominicus Jordan by the General Court in June 1734 Surveyed by James Springen Survey<sup>r</sup> & Chain men on Oath, lying in the County of York, begining at a Maple tree Standing about twenty poles above the falls in Pesumpscott River, Marked D  $\frac{1}{2}$  thence Running West North West two hundred poles: thence South West two hundred and twenty poles then East South East two hundred poles home to the River & so up the River to where it began

Read and

*Ordered* That this plat be and hereby is Accepted and the Lands therein delineated and described are accordingly confirmed to the said Cap<sup>t</sup> Dominicus Jordan his Heirs and assigns for Ever provided the plat exceeds not the quantity of three hundred Acres of Land and does not interfere with any former Grant. [*Passed June 24.*]

## CHAPTER 56.

### ORDER IMPOWERING MARY LEGG & OTHERS GUARDIANS TO EXECUTE A DEED.

A PETITION of Mary Legg Edward Bulkley & Martha his wife & Joseph Brandon Guardian of Elizabeth Legg a minor, which said Mary Martha and Elizabeth are Grand Children of Simeon Stoddard Esq<sup>r</sup> deceased, Shewing that by Virtue of their said Grandfathers will they enjoy a peice of Land in Sudbury Street, As also Another peice of Land lying on the backside of the said M<sup>r</sup> Stoddards Buildings in Cornhill in the Town of Boston; which they hold in Common, that the said Land is of little profit to them as it lyes, and they cannot dispose of it by Reason Of the Minority of the said Elizabeth; And therefore praying that this Court would Impower the Guardian of the said Elizabeth to Join with the other petitioners in the Sale of the said two peices of Land

Read &

*Ordered* that the prayer of the petition be Granted; and the Pet<sup>rs</sup> are Accordingly enabled to Execute a Good deed or Deeds of the Estate within mentioned; which shall to all Intents & purposes convey the property to the purchaser or purchasers, his & their heirs and assigns Respectively; Provided Joseph Brandon, in behalf of Elizabeth Legg, give Security in Double the value to the Judge of Probate for the County of Suffolk that the said Elizabeth shall Receive the full Value of her part of the proceeds of the Sale of the premisses at her Arrival at the Age of twenty one Years or Marriage or in Case of the Decease of the said Elizabeth before that then her Legal Represent<sup>e</sup> shall Receive the same And the Interest or use of the said Elizabeths proportion in the meantime shall be employed for her benefit. [*Passed June 24.*]

Legislative  
Records of the  
Council, xvi.,  
180.

House Jour-  
nal, p. 53.

## CHAPTER 57.

### ORDER OF NOTICE ON THE COMMITTEE OF STOUGHTON PETITION TO HAVE LAND OF WRENTHAM RETURNED.

A PETITION of Isaac Royall & others in behalf of the Town of Stoughton Shewing that whereas the General Court were pleased in the Year 1724 to set off to the Town of Wrentham divers Inhabitants of Dorchester with their Effects within the following Bounds, viz<sup>t</sup> by a line begining at a Rock known by the name of Dedham Rock, from thence to a place known by the name of Woodcocks well, & so on a Strait line to the bounds of Norton there is a Bridge that lyes within the Town of Stoughton called Wading Bridge, but of no use to the Inhabitants thereof but Chiefly Improved by the people Set off from Dorchester to Wrentham, as also two Roads within the said Town of Stoughton which are under the same Circumstances Therefore praying that the

Legislative  
Records of the  
Council, xvi.,  
180.

House Jour-  
nal, p. 54.  
Province  
Laws, x., 500,  
chap. 197.



whole Tract of land Including the said Bridge & Roads may be Joined to the said Town of Wrentham or that the Inhabitants aforesaid may be Restored to Stoughton which was that part of Dorchester from whence they were taken.

Read &

*Ordered* that the Pet<sup>r</sup> serve The Town of Wrentham with a Copy of the petition that they shew cause on the first Fryday of the next Sitting of the Court, why the prayer thereof should not be Granted & the petition is Referr'd in the meantime for consideration. [*Passed June 24.*]

## CHAPTER 58.

### VOTE REFERRING TO MR SAM<sup>L</sup> FISKE.

Legislative  
Records of the  
Council, xvi.,  
182.

House Jour-  
nal, p. 60.

IN THE HOUSE OF REPRESENT<sup>ES</sup> Upon a Motion made & Seconded by many of the Members The following Question was put. viz<sup>t</sup>

Whether the proceedings of the Convention of Ministers at Boston May 29<sup>th</sup> 1735 in Chusing M<sup>r</sup> Samuel Fisk late pastor of the first Church in Salem (who lies under Ecclesiastical Censure, is deposed by his Church, stands bound over to the Court of Sessions to answer for the Breach of the Kings peace, and is Under Bonds for the peace & Good behaviour) to preach the Sermon at that Convention at their Anniversary Meeting and their Attempting (with out the presence and Advice of their Churches) to determine on the power of a Church in deposing their pastor be not Contemptuous to Authority And whether such proceedings do not tend to disorder & Confusion as well in Church as in State

*Resolved* in the Affirmative by a very Great Majority

In Council Read & Concurr'd. [*Passed June 25.*]

## CHAPTER 59.

### ORDER EMPOWERING THE INHABITANTS OF CHEBACCO TO CHOOSE COLLECTORS OF TAXES.

Legislative  
Records of the  
Council, xvi.,  
183.

House Jour-  
nal, pp. 59, 60.

A PETITION of the Com<sup>tee</sup> for the precinct of Chebacco in the Town of Ipswich, Shewing that it has been their Custom to Commit the Collection of their precinct Rates to their Constable; and therefore the precinct omitted Choosing a Collector at their Meeting in March last, that their Constable is latly gone to Sea, & there is no expectation of his Returning Seasonably for the Collection; And therefore praying that they may be enabled to Chuse a Collector for Levying the precinct Taxes for this Year

Read &

*Ordered* that the prayer of the petition be Granted and the Freeholders & other Inhabitants of the precinct of Chebacco, lawfully qualified, are hereby Allowed and Impowred to assemble at their Usual place of Meeting and make Choice of One or more Collector or Collectors, who shall be Under Oath, and be Obliged to Do the duty of a Collector to all Intents & purposes in the Law whatsoever, as if he or they had been Chosen in the Month of March last for the ensuing Year. [*Passed June 25.*]

## CHAPTER 60.

## ORDER FOR MAKING £20,000 IN BILLS OF CREDIT.

*Ordered* That the Com<sup>tee</sup> of this Court for Signing of Bills be Impowred and directed to Imprint and Sign a[s] Soon as may be Twenty Thousand pounds in Bills of Credit on this Province viz<sup>t</sup> Eleven Thousand pounds part thereof from the plate of the highest Denomination, Seven Thousand pounds from the plate of the Middle Denomination, and the Remaining two Thousand pounds from the Plate of the lowest Denomination, and to deliver the same to the Treasurer of this Province, to be Exchanged for torn and Defaced Bills, to be burnt & Consumed to Ashes by a Com<sup>tee</sup> to be Appointed by this Court; the Committee to take a Receipt for the New Bills of the Treasurer, and to be paid for their Service as the Com<sup>tee</sup> was paid for the last Bills made. [*Passed June 26.*]

Legislative  
Records of the  
Council, xvi.,  
183.

House Jour-  
nal, p. 69.

## CHAPTER 61.

## ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND FOR THE GOVERNOUR.

A PLAT of five hundred Acres of land, being the Remaining part of One Thousand Acres Granted to his Excellency Jonathan Belcher Esq<sup>r</sup> at the Session in Nov<sup>r</sup> 1734 laid out by Richard Harding Survey<sup>r</sup> & Chain men on Oath lying between Taunton Norton and Rehoboth & bounded as follows viz<sup>t</sup> Begining at the North West Corner, which is three Ceeder Trees, being the North east Corner of Rehoboth, thence Southerly two hundred & thirty Seven Rods by Rehoboth line to a black Oak tree, being the North West Corner of the Land laid out to the heirs of Benjamin Church Esq<sup>r</sup>, thence East 10 Deg. South One hundred & Eighty Eight Rods, by said Churches land, to a Stake & Stones in said Church's line, about two Rods from a White Oak tree to the Northward of said Stake & Stones, thence East eighty two rods to a Stake & stones<sup>1</sup> Supposed to be in Taunton line; thence Northerly by Taunton line to a great Chesnut Tree Mark'd, on the East Side, with the Letter T, thence West two hundred & fifty Rods by Norton line to the plat first mentioned

Read &

*Ordered* That the plat be Accepted & the Lands therein delineated & described be & hereby are confirmed to his Excellency Jonathan Belcher Esq<sup>r</sup> Captain General & Govern<sup>r</sup> in Chief of this province his heirs and Assignes forever, in full Satisfaction of the Grant of one Thousand Acres of Land, made in Decem<sup>r</sup> last to his Excellency; the other five hundred Acres being Confirmed to him in April last; provided this plat exceeds not the quantity of five hundred Acres and does not interfere with any former Grant. [*Passed June 26.*]

Legislative  
Records of the  
Council, xvi.,  
184.

Maps and  
Plans, Mis.,  
x., 8. House  
Journal, p. 61.  
*Ante*, p. 69,  
chap. 139;  
p. 112, chap.  
246.

<sup>1</sup> The words "thence . . . stones" are inserted from the State Library copy, Legislative Records of the Council, xvi., 184.

## CHAPTER 62.

## ORDER ACCEPTING THE COMMITTEES REPORT ABOUT THE £100,000 LOAN.

Legislative  
Records of the  
Council, xvi.,  
186.

House Jour-  
nal, p. 61.  
*Ante*, p. 54,  
chap. 109.  
*Infra*, chap. 63.

EZEKIEL LEWIS ESQ<sup>r</sup> from the Com<sup>tee</sup> of both houses Appointed in Novem<sup>r</sup> last to Audit & Settle the Accompts of the Commissioners & Trustees for the Publick Loans gave in their Report on the Accompts of the Commissioners of the £100,000 Loan for the Countys of Suffolk & Nantuckett Essex Middlesex Plymouth Barnstable Dukes County & Bristol. Read & Accepted. [*Passed June 27.*]

## CHAPTER 63.

ORDER ACCEPTING THE ACCO<sup>TS</sup> OF THE COMMISS<sup>RS</sup> FOR THE CO. OF SUFFOLK FOR THE £100,000 LOAN.

Legislative  
Records of the  
Council, xvi.,  
186.

House Jour-  
nal, p. 62.  
Province  
Laws, ii., 61,  
chap. 18.  
*Supra*, chap.  
62. *Infra*,  
chap. 64.

ON THE ACCOMPTS of the Commissioners of the £100,000 Loan for the C<sup>o</sup> of Suffolk

Read &

*Ordered* That these four Accompts begining the 13<sup>th</sup> of February 1726, & Ending the 25<sup>th</sup> of March 1735, be Accepted, & the Commiss<sup>rs</sup> be and hereby are Discharged of the Sum of Twenty two thousand four hundred and Six pounds twelve Shillings & five pence principal money & of the sum of Four Thousand & Sixty Six pounds fifteen shillings & Eleven pence Interest money and that they be Accountable for the sum of Seven Thousand four hundred & fifteen pounds Seven shillings & Seven pence principal money & for the sum of two Thousand & four pounds eight shillings & tenpence Interest outstanding together with what they may further Receive on Acco<sup>t</sup> of Law Suits. [*Passed June 27.*]

## CHAPTER 64.

VOTE ACCEPTING THE ACC<sup>TS</sup> OF THE COMMISS<sup>RS</sup> FOR THE C<sup>o</sup> OF ESSEX FOR THE £100,000 LOAN.

Legislative  
Records of the  
Council, xvi.,  
186.

House Jour-  
nal, p. 62.  
Province  
Laws, ii., 61,  
chap. 18.  
*Supra*, chap.  
63. *Infra*,  
chap. 65.

ON THE ACCOMPTS of the Commiss<sup>rs</sup> of the £100,000 Loan for the County of Essex

Read &

*Voted* that these five Accompts begining May 20. 1727 & Ending April 20. 1735, be Accepted, and the Commiss<sup>rs</sup> be & hereby are discharged of the sum of Seventeen Thousand Nine hundred & three pounds One shilling & Nine pence principal money, & of the sum of Two Thousand one hundred & Seventy two pounds & one penny Interest, upon their paying into the Treasury four pounds. three Shillings & Sixpence principal & one hundred & Eight pounds three Shillings & Sixpence, Interest Remaining in their hands as above; likewise that they be Accountable for the principal money yet outstanding, being five Thousand three hundred & thirty four pounds fourteen shillings & nine pence, together with what Interest may be out standing and what they may further Receive on acco<sup>t</sup> of Law Suits. [*Passed June 27.*]

## CHAPTER 65.

VOTE ACCEPTING THE ACCO<sup>TS</sup> OF THE COMMISS<sup>RS</sup> FOR MIDDLESEX C<sup>O</sup>  
FOR THE £100,000 LOAN.

ON THE ACCOMPTS of the Commiss<sup>rs</sup> of the £100,000 loan for the County of Middlesex

Read &

*Voted* that these Several Accounts, begining Febr̄y 13. 1726 & Ending Febr̄y 13, 1734, be and hereby are Allowed, & the Commissioners Accordingly discharged of the aforesaid Sum of Fifteen Thousand Eight hundred fifty Seven pounds two shillings and Nine pence, principal, and Three Thousand three Hundred Eighty Nine pounds one Shilling & five pence, Interest; and that they pay into the Treasury three Shillings Interest money now in their hands, as above, Likewise that they be Accountable for the sum of Twenty two hundred thirty Nine pounds Seventeen shillings & three pence Principal, and One Thousand One hundred & Six pounds Nineteen Shillings & two pence Interest, Still Outstanding together with what they may further Receive on Account of Law Suits. [*Passed June 27.*]

Legislative  
Records of the  
Council, xvi.,  
187.

House Jour-  
nal, pp. 63, 64.  
Province  
Laws, ii., 61,  
chap. 18.  
*Supra*, chap.  
64. *Infra*,  
chap. 66.

## CHAPTER 66.

VOTE ACCEPTING THE PLYMOUTH C<sup>O</sup> COMMISS<sup>RS</sup> ACCO<sup>TS</sup> OF THE £100,000  
LOAN.

ON THE ACCOMPTS of the Commiss<sup>rs</sup> of the £100,000 loan for the County of Plymouth

Read &

*Voted* that these Eight Accompts begining Febr̄y 13<sup>th</sup> 1726 & Ending Febr̄y 13, 1734 be Accepted & Allowed, and the said Commiss<sup>rs</sup> are Accordingly discharged of the sum of Four Thousand thirteen pounds Six Shillings & five pence principal, and Nine hundred and Sixty five pounds fourteen shillings & a penny Interest, upon their paying into the Treasury Thirty two pounds Interest money, now in their hands, as above; likewise that they be Accountable for Two thousand Six hundred Sixty pounds thirteen shillings & Seven pence principal, & one thousand One hundred & Sixty Nine pounds Seventeen shillings & one penny Interest, which are Still outstanding together with what they may further Receive on Acco<sup>t</sup> of Law Suits. [*Passed June 27.*]

Legislative  
Records of the  
Council, xvi.,  
187.

House Jour-  
nal, pp. 63, 64.  
Province  
Laws, ii., 61,  
chap. 18.  
*Supra*, chap.  
65. *Infra*,  
chap. 67.

## CHAPTER 67.

VOTE ACCEPTING THE BARNSTABLE & DUKES COUNTY COMMISS<sup>RS</sup> ACCO<sup>TS</sup>  
OF THE £100,000 LOAN.

ON THE ACCOMPTS of the Commiss<sup>rs</sup> of the £100,000 Loan for the Countys of Barnstable & Dukes County

Read &

*Voted* that these Eight Acco<sup>ts</sup> begining Febr̄y 13, 1725 & Ending in Septem<sup>r</sup> 1734 be Accepted & the Commiss<sup>rs</sup> are Accordingly discharged of the sum of Six thousand Eight hundred & Seven pounds three shil-

Legislative  
Records of the  
Council, xvi.,  
187.

House Jour-  
nal, p. 65.  
Province  
Laws, ii., 61,  
chap. 18.

*Supra*, chap. 66. *Infra*, chap. 68.

lings & Seven pence principal, & one Thousand three hundred & Seventy eight pounds four shillings & four pence, Interest; and that they forthwith pay into the Treasury Four pounds fifteen shillings Interest money Remaining in their hands; likewise that they be Accountable for three hundred & fifty four pounds Sixteen shillings & five pence principal money outstanding together with what Interest may be outstanding and what they may Receive on Account of Law suits. [*Passed June 27.*]

## CHAPTER 68.

### VOTE ACCEPTING THE ACCO<sup>TS</sup> OF THE COMMISS<sup>RS</sup> FOR BRISTOL CO. FOR THE £100,000 LOAN.

Legislative  
Records of the  
Council, xvi.,  
187.

House Jour-  
nal, p. 66.  
Province  
Laws, ii., 61,  
chap. 18.  
*Ante*, p. 154,  
chap. 62.  
*Supra*, chap.  
67. *Infra*,  
chap. 69.

ON THE ACCO<sup>PTS</sup> of the commiss<sup>rs</sup> of the £100,000 Loan for the County of Bristol

The within ten Acco<sup>pts</sup> of the County of Bristol begining Febr̄y 13. 1724 & Ending Febr̄y 13. 1734 are

*Voted* That they be Accepted and the said Commiss<sup>rs</sup> be & hereby are Accordingly discharged of the aforesaid Sum of Eight Thousand One hundred & forty pounds Sixteen shillings & Sixpence principal, Two Thousand two hundred & Sixteen pounds & three pence Interest, Upon their paying into the Treasury the Sum of Forty five pounds two Shillings & five pence Interest, Remaining in their hands as above likewise that they be Accountable for Seven hundred and Sixty Eight pounds three shillings & Six pence principal and Seventy four pounds Interest which is Still Outstanding together with what they may Receive on acco<sup>t</sup> of Law Suits.<sup>1</sup> [*Passed \* June 27.*]

## CHAPTER 69.

### VOTE GRANTING THREE TOWNSHIPS TO BOSTON AND APPOINTING A COMMITTEE THEREFOR.

Legislative  
Records of the  
Council, xvi.,  
188.

House Jour-  
nal, pp. 12, 13,  
51, 71. *Post*,  
p. 275, chap. 33.

A PETITION of the Selectmen of the Town of Boston by Order of the Inhabitants of said Town, Setting forth the Great Charges the said Town is at for the Support of their poor and their Free Schools, and that they pay near a fifth part of the Province Tax, And praying for a Grant of three or four Tracts for Townships to be Settled and brought forward as the Circumstances of the said Town of Boston shall Require, or upon such Conditions & Limitations as this Court shall Judge Meet

Read & in Answer to this petition

*Voted* That there be and hereby is Granted to the Town of Boston three Tracts of Land, each of the Contents of Six Miles Square, and to be laid out in Some Suitable [Place]<sup>2</sup> or places in the Unappropriated Lands of the Province for Townships by a Survey<sup>r</sup> & Chaimnen on Oath, and to Return Plans thereof to this Court for Confirmation within twelve Months, Provided the Town of Boston do within five Years from the Confirmation of the said Plans Settle on each of the said Towns Sixty Familys of his Majestys Good Subjects Inhab<sup>ts</sup> of this Province, in as Regular and Defensible a manner as the Lands will Admit of, each of said Sixty Familys to Build & finish a Dwelling house on his home lot of the following Dementions viz<sup>t</sup> Eighteen feet

<sup>1</sup> The Governor's consent to this chapter will be found *ante*, p. 154, chap. 62.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xvi., 189.



Square and Seven feet Stud at the least; that each of the said Settlers within said Term bring to and fit for Improvement five Acres of said Homelot either by plowing or for mowing by Stocking the same well with English Grass, and fence the same well in, and Actually live on the Spot; and also that they build and finish a Suitable and Convenient House for the Publick Worship of God, And Settle a Learned orthodox Minister in each of the said Towns, and provide for their honourable & Comfortable Support, and also lay out three House lots in each of the said Towns, each of which to draw a Sixty third part of said Town in all future divisions, One to be for the first Settled Minister, One for the Ministry and One for the School and in Order that the Conditions of this Grant may the more Effectually be Complied with

*Ordered* That Elisha Cooke Esq<sup>r</sup> M<sup>r</sup> Oxenbridge Thatcher M<sup>r</sup> Thomas Cushing jun<sup>r</sup> and M<sup>r</sup> Timothy Prout, with Such as the Hon<sup>ble</sup> Board shall Appoint be a Com<sup>tee</sup> fully Authorized to Admit Settlers, and to take of each Settler a Bond of twenty five pounds for the performance of the Conditions, so far as Relate to their Respective Lotts; which Bond shall be made payable to the Province Treasurer; and in Case any of the Lotts in any one of the Townships hereby Granted shall not be Settled, in time and Manner as above provided, then Such Lot with the Rights belonging thereto shall Revert to be at the Disposition of the Government In Council Read & Concurr'd & that John Jeffries Jacob Wendell & Samuel Welles Esq<sup>rs</sup> be Joined in the Affair. [*Passed \* June 27.*]

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## CHAPTER 70.

### VOTE ABOUT THE AGENCY IN GREAT BRITAIN.

IN THE HOUSE OF REPRESENT<sup>s</sup> The House entred into the Consideration of the Affair of the Agency And after a full debate thereon

The Question was put Whether some Suitable person living within the Kingdom of Great Britain shall be Appointed to Join Francis Wilks Esq<sup>r</sup> in the Agency of the Province

*Resolved* in the Affirmative <sup>1</sup>

In Council Read & Concurr'd. [*Passed June 27.*]

Legislative  
Records of the  
Council, xvi.,  
189.

Legislative  
Records of the  
Council, xvi.,  
191. House  
Journal, pp. 60,  
73, 74, 75, 76, 77.

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## CHAPTER 71.

### VOTE IMPOWERING THE ASSESSORS OF THE TOWN OF SUTTON TO LEVY AND COLLECT A TAX OF ONE PENNY PER ACRE ON LAND.

A PETITION of Percival Hall Represent<sup>e</sup> of the Town of Sutton in behalf of said Town Shewing that the Lands of the Non Resident Proprietors are much Raised in their value by the Settlements there; And therefore praying that they may be Taxed at one penny p<sup>r</sup> acre p<sup>r</sup> annum for five Years for the Support of the Ministry & School there

Read and in Answer to this petition

*Voted* That the Unimproved Lands belonging to the Nonresident Proprietors of the Town of Sutton be and hereby are Subjected to a

Legislative  
Records of the  
Council, xvi.,  
189.

House Jour-  
nal, p. 70.

<sup>1</sup> "The two Houses proceeded, According to Order, to the Election of a Suitable person to be Joined in the Agency of this Province with Francis Wilks Esq<sup>r</sup> and the Hon<sup>ble</sup> Samuel Holden Esq<sup>r</sup> was Chosen by the Major Vote of the Council & House of Represent<sup>s</sup> To which his Excellency Signed his Consent. [*Passed June 28.*]" — Legislative Records of the Council, xvi., 191.

Tax of One penny p Acre p Ann[um] for three Years next coming to be Applied towards the Charge of the Support of the Ministry & School there, and the Assessors of the said Town are fully Authorized and Impowred to make the said Assessment, and the Constables or Colectors there are also directed & Required to Collect the said Tax of the said Proprietors and pay in the Same According to their Lists & Warrants for the uses aforesaid. [*Passed June 27.*]

## CHAPTER 72.

### ORDER IMPOWERING THE COMISS<sup>rs</sup> OF £100,000 LOAN FOR ESSEX CO. TO SELL LANDS.

Legislative  
Records of the  
Council, xvi.,  
190.

House Jour-  
nal, pp. 66, 67.  
Province  
Laws, ii., 61,  
chap. 18.  
*Ante*, p. 154,  
chap. 64.

A MEMORIAL of the Commiss<sup>rs</sup> of the £100,000 Loan for the County of Essex, Shewing that, having let out part of the said Loan to divers Inhabitants of the County of Plymouth, they took Mortgages of lands there for Securing the same, which they have latly Sued out and taken possession of the premisses, that there is but a bare Majority of the Commissioners Remaining and the said Lands lying at a Great Distance they are put to a great trouble & Expence about them; And therefore praying that some other persons may be Impowred to Sell the said Lands and that the Memorialists may be directed in what manner to proceed in cases where the Mortgaged Lands will not sell for so much as to pay the principal & Interest of the Money

In Council Read &

*Voted* That William Dudley & Thomas Cushing Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>e</sup> shall appoint, be a Committee to take into consideration the Subject Matter of this petition, and Report what they think proper for this Court to do thereon; as also on the Affair of the said Loan in the other Countys, especially in the Countys of Hampshire & York, and Report what may be proper for the Court to do for the more Effectual drawing in the principal & Interest of that Loan.

In the House of Represent<sup>e</sup> Read & Concurr'd and John Chandler William Brattle & John Wainwright Esq<sup>rs</sup> are Joined in the Affair. [*Passed June 27.*]

## CHAPTER 73.

### ORDER OF NOTICE ON THE WRENTHAM PETITION IN REGARD TO A BOUNDARY LINE.

Legislative  
Records of the  
Council, xvi.,  
191.

House Jour-  
nal, p. 59.  
*Ante*, p. 155,  
chap. 206.

A PETITION of Jonathan Ware Esq<sup>r</sup> & others, a Com<sup>tee</sup> for the Town of Wrentham Shewing forth that many hardships brought on them by the Settlement of the Western line of Wrentham so far as Relates to the Town of Bellingham, by an Order of this Court, pass'd in April last, for Accepting the Report of a Com<sup>tee</sup> to State the said line; which Stating of the said line is Contrary to the Antient known Rights of the Inhabitants of Wrentham; And therefore praying that they may be heard before this Court to Support their Rights

Read &

*Ordered* that the prayer of the petition be so far Granted as that a hearing be had on this petition Accordingly, before the Court on the first Tuesday of the next Sitting, & that in the mean time the pet<sup>rs</sup> Serve the Town of Bellingham with a Copy of the petition and Order thereon that they may then have the Oppertunity of making their Defence. [*Passed June 28.*]

## CHAPTER 74.

## ORDER OF NOTICE ON MARY BROWNS PETITION FOR LEAVE TO BRING AN ACTION.

A PETITION of Mary Brown (late Mary Clark) Shewing that in the Year 1695 She Intermarried with Christ<sup>o</sup> Clark eldest son of Christopher Clark late of Boston Mariner deceased, That in the said Year the Judge of Probate Settled the Real Estate of the said Christ<sup>o</sup> the Father on the Pet<sup>rs</sup> husband he paying the other Children their proportionable Shares that about the same time the said Christopher the son Mortgaged to Stephen Minot late of Boston Esq<sup>r</sup> deceased, the Northerly part of the said Real Estate Situate near the Town dock in Boston for Indemnifying the said Minot, who was bound with him for the paying of the said Legacys, that the pet<sup>r</sup> had a son born of Her Body of the said Christopher, who Survived his Father, and lived to the Age of Nineteen Years, and then died; That the Right of Redemption of the Mortgaged premisses is in the pet<sup>r</sup> as heir to her son, who was the only heir to his Father, that the said Estate has ever Since been in the possession of the Mortgagee, without any Suit brought for the Recovery of it Praying that she may be Allowed to bring her Action for the Redemption of the Mortgaged premisses

Read &

*Ordered* that the Pet<sup>r</sup> Serve the Adverse party, the Executors of the said Stephen Minot Esq<sup>r</sup> late deceased with a Copy of the petition, that they Shew Cause, if any they have, on the first Fryday of the next Sitting of the Court, why the prayer thereof should not be Granted and that the petition be Referr'd in the mean time for further consideration.<sup>1</sup> [*Passed June 28.*]

Legislative  
Records of the  
Council, xvi.,  
192.

House Jour-  
nal, p. 72.

## CHAPTER 75.

ORDER ACCEPTING THE COMMITTEES REPORT ON BOXFORD INHAB<sup>TS</sup> PETITION TO BE ERECTED INTO A SEPARATE PRECINCT.

THE COM<sup>TEE</sup> Appointed on the petition of Job Tyler & others of the Northerly part of Boxford and on the petition of John Peabody John Hovey & George Colton having Repaired to Boxford, & Viewed the Situation and Circumstances of the pet<sup>rs</sup> and of the said Town of Boxford, and fully heard all partys Relating to said Petitions, & Considered thereon, are humbly of Opinion that the Tract of land Mentioned & described in the petition of Job Tyler and others be made a Separate precinct and that the Inhabitants within the bounds thereof, as well as the said Peabody Hovey & Colton ought to belong thereto; All which is humbly Submitted by

Legislative  
Records of the  
Council, xvi.,  
192.

House Jour-  
nal, p. 78.  
*Ante*, p. 128,  
chap. 4; p. 129,  
chap. 5; p. 147,  
chap. 49.

June 28. 1735

SAM<sup>L</sup> THAXTER  
W<sup>M</sup> FAIRFIELD  
JOHN CUSHING JUN<sup>R</sup>

Read &

*Ordered* that this Report be Accepted and that the pet<sup>rs</sup> together with John Peabody and others above mentioned & their familys & Estates be and hereby are Set off a destinct precinct Accordingly, and that the Charge of the Com<sup>tee</sup> Amounting to Thirteen pounds & three pence be paid by the Pet<sup>rs</sup>. [*Passed June 28.*]

<sup>1</sup> At the hearing on the 25th of November, 1735, House Journal, p. 105, this petition was dismissed.

## CHAPTER 76.

ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND FOR THE HEIRS OF MAJ<sup>R</sup> BULKLEY.

Legislative  
Records of the  
Council, xvi.,  
133. Maps and  
Plans, Mis.,  
ix., 15.

Maps and  
Plans, Mis.,  
ix., 15. House  
Journal, pp. 74,  
75. *Ante*, p. 73,  
chap. 448.

A PLAT of One thousand Acres of land laid out by Richard Harding Survey<sup>r</sup> & Chaimmen on Oath, to fulfill A grant made by the General Court to the Heirs of Major Peter Bulkley deced, being bounded as follows, viz<sup>t</sup> begining at a Boxwood Stake & Stones standing in Churches line, said Stake & Stones being a Corner of the land lately laid out to his Excellency Jonathan Belcher Esq<sup>r</sup> thence East by his Excellencys land Eighty two Rods to a White Oak Stake & Stones Standing in Taunton line, thence by said Taunton line One hundred & Seventy two Rods to Taunton South West Corner, thence South & by West Seven hundred and thirty [three] Rods, to a Red Oak Stake and Stones [for a Corner, thence west One hundred & seventy rods to a Stake & stones]<sup>1</sup> in Rehoboth line for a Corner; thence Northerly by said Rehoboth line Six hundred and three Rods to Church's South West Corner, thence east by said Chnreh's land two hundred Rods to Churches Southeast Corner thence Northerly by said Churches land to the place first mentioned. Read and

*Ordered* That this Plat be Accepted and the Lands therein delineated and described be and hereby are confirmed to the Heirs of the within named peter Buckley Esq<sup>r</sup> late dec<sup>d</sup> their heirs and assigns respectively for Ever, provided the plat exceeds not the quantity of one thousand acres of Land and does not interfere with any former Grant, provided also the Grant mentioned in the petition of the Heirs of the said peter Buckley Esq<sup>r</sup> dec<sup>d</sup> in December last has not been satisfied heretofore. [*Passed June 28.*]

## CHAPTER 77.

ORDER OF NOTICE ON EDM<sup>D</sup> GOFFES PETITION FOR LEAVE TO FILE A COMPLAINT AGAINST AN APPEAL.

Legislative  
Records of the  
Council, xvi.,  
133.

House Jour-  
nal, p. 78.

A PETITION of Edmund Goffe Esq<sup>r</sup> of Cambridge in the County of Middlesex shewing that at the Inf<sup>r</sup> Court of Common pleas held at Salem for the County of Essex in Decem<sup>r</sup> 1730, he Recovered two Judgments Against John Stacy and Andrew Tucker of Marblehead for £150 each from which they Appealed to the next Superiour Court but failed to prosecute their Appeal and the petitioners Attorney failed to file a Complaint and therefore praying that he may be Admitted to file his Complaint at the next Superiour Court for said County

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adverse partys Stacy & Tucker with a Copy of the petition that they shew Cause if any they have on Tuesday next if the Court be then Sitting if not on the first Tuesday of the next Sitting, why the prayer thereof should not be Granted. [*Passed June 28.*]

<sup>1</sup> A note in the margin says that the words enclosed in brackets were added in the year 1773. See Legislative Records of the Council, xvi., 193.

## CHAPTER 78.

## ORDER FOR A TOWN MEETING AT ACTON.

*Ordered* That John Heald One of the principal Inhabitants of the Town of Acton in the County of Middlesex be and hereby is fully Authorized & Impowred to Assemble the Freeholders & other qualified Voters in said Town. as soon as may be, in some Convenient place in said Town, to make Choice of Town Officers to Stand till the Anniversary Meeting in March next. [*Passed June 30.*]

Legislative  
Records of the  
Council, xvi.,  
194.

House Jour-  
nal, p. 76.

## CHAPTER 79.

ORDER ALLOWING £5. 16. 8 TO CAP<sup>t</sup> JA<sup>s</sup> WOODSIDE.

A MEMORIAL of Cap<sup>t</sup> James Woodside praying that this Court would make up to him the difference of his Wages while in the Command of Fort Mary at Winter Harbour & other Commanders of the Forts Wages and also that he may be Allowed the Sum of £5. 16. 8 Stop'd out of his wages on Account of Sundry Stores he Received of the Treasurer, they being Necessary for the Sick in his Garrison

Legislative  
Records of the  
Council, xvi.,  
195.

House Jour-  
nal, p. 54 (June,  
1727); p. 79.

Read &

*Ordered* that the sum of Five pounds Sixteen Shillings & Eight pence be Granted & paid out of the Publick Treasury to the Said Cap<sup>t</sup> James Woodside to Reimburse the said Sum Stop'd out of his Wages as within mentioned. [*Passed July 1.*]

## CHAPTER 80.

ORDER REFERRING DOR<sup>o</sup> SALTONSTALS EXORS PETITION, WITH STAY OF EXECUTION.

A PETITION of Thomas Hutchinson John Ruek & Nathanael Saltonstall Esq<sup>rs</sup> Executors of the last will & Testament of M<sup>rs</sup> Dorothy Saltonstall (formerly dorothy Frizzell) deced Shewing that James Thornbury late of Boston Glover deeed in the Year 1718 died Seized of no other Estate but a messuage and land in Boston; which by his will he left to Lydia his wife for her life & the Remainder to his Sisters Son William Kirkwood, & to the heirs of his body then lawfully begotten; of which will be made M<sup>r</sup> John Frizzell (former husband of the said Dorothy) and Cap<sup>t</sup> Gyles Fyfield the Executors; That the said John Frizzell (the then Surviving Executor) Obtained an order for Selling the said house & land of the Sup<sup>r</sup> Court for paying the said Deceds Debts, but paid the said Debts out of his own Estate, and dyed without Selling the said Estate, leaving his wife Dorothy abovenamed his Executrix, who sold the said house & land to Reimburse her husbands Estate, Retaining the Overplus in her hands for the heirs of the said Thornbury; That after Israel How, who purchas'd the said Estate, had laid out a considerable Sum thereon, for Repairs &c & after the Decease of the said Dorothy the heirs of the said Kirkwood brought their Action and Recovered the said Estate by which the Pet<sup>rs</sup> or the Estate of the said Dorothy are like to be greatly Injured

Legislative  
Records of the  
Council, xvi.,  
181, 195.

House Jour-  
nal, pp. 57, 58,  
80.



Therefore praying that this Court would confirm the sale of the said house & land & order that upon the payment of the overplus with Interest to the Devises of the said Thornbury the Judgment of the Superiour Court for Recovery of the premisses may be Supereeded or that the pet<sup>rs</sup> may be otherwise Relieved and that Execution may be staid.

Read together with the Answer of William & John Kirkwood &

*Ordered* that this petition be Referr'd to the next Sitting of this Court for further consideration & that Execution be Staid in the meantime. [*Passed July 1.*]

## CHAPTER 81.

### ORDER OF NOTICE ON SAM<sup>L</sup> ALLENS PETITION WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
196.

House Jour-  
nal, p. 71.

A PETITION of Samuel Allen of Bridgwater Shewing that Judgment went Against him at the Superiour Court held at Plymouth in April last in an Action between the pet<sup>r</sup> and Amos Snell jun<sup>r</sup> Upon the Report of Referrees and one of them did not well understand it when he Signed it Therefore praying that he may be Enabled to bring his Action of Review of the said Cause at the Superiour Court for the said County and that Execution on the said Judgment may be Staid in the Mean time

Read &

*Ordered* that the Pet<sup>r</sup> Samuel Allen Serve the Adverse party Amos Snell jun<sup>r</sup> with a Copy of the petition that he Shew Cause if any he have on the first Fryday of the next Sitting of the Court Why the prayer of the petition should not be Granted and the petition is Referr'd in the mean time for consideration, and the Execution within mentioned is Stay<sup>d</sup> to the same time.<sup>1</sup> [*Passed July 1.*]

## CHAPTER 82.

### ORDER OF NOTICE ON W<sup>M</sup> NICHOLLS & BENJ<sup>N</sup> HALLOWELLS PETITION FOR LEAVE TO BRING A WRIT OF REVIEW, WITH STAY OF PROCEEDINGS.

Legislative  
Records of the  
Council, xvi.,  
196.

House Jour-  
nal, p. 77.

A PETITION of William Nicholls & Benjamin Hallowell of Boston Shewing that they became Bail for One Nicholas Roach in an Action brought against him by one Thomas Clanon for Wages, that the said Roaches Attorney never Appeared in Court, so that Judgment went Against him by Default, and upon a Return on the Execution of Non est Inventus, the said Clanon took out his writ of Seire facias Against the pet<sup>rs</sup> And for as much as the pet<sup>rs</sup> Apprehend that there is Nothing due to the said Clanon, Praying for Liberty to Review the said Action at the next Inferiour Court of Common pleas, for the County of Suffolk and that the proceedings on the said Writ of Seire facias may be Staid in the mean time

Read &

*Ordered* that the pet<sup>r</sup> Serve the said Thomas Clanon, the Adverse party, with a Copy of the petition, that he Shew Cause, if any he have on the first Fryday of the next Sitting of the Court why the prayer thereof should not be Granted, and that the proceedings on the said writ of Seire facias be Staid in the Meantime.<sup>2</sup> [*Passed July 1.*]

<sup>1</sup> At the hearing on the 24<sup>th</sup> November, 1735, House Journal, p. 103, this petition was dismissed.

<sup>2</sup> At the hearing December 2, 1735, House Journal, p. 118, this petition was dismissed.

## CHAPTER 83.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE ACC<sup>TS</sup> OF THE COMMISSIONERS OF THE COUNTY OF YORK FOR THE £100,000 LOAN.

Legislative Records of the Council, xvi., 196.

*Ante*, p. 54, chap. 109; p. 156, chap. 68. *Infra*, chap. 84.

EZEKIEL LEWIS ESQ<sup>R</sup> from the Com<sup>tee</sup> of both Houses on the Accompts of the Commiss<sup>rs</sup> & Trustees made Report on the Accompts of the Commiss<sup>rs</sup> of the County of York which was Read & Accepted in both Houses and is Consented to.<sup>1</sup> [*Passed July 1.*]

## CHAPTER 84.

ORDER ACCEPTING THE ACC<sup>TS</sup> OF THE COMMISS<sup>RS</sup> OF THE £100,000 LOAN FOR YORK COUNTY.

ON THE ACCOMPT of the Commiss<sup>rs</sup> of the £100,000 Loan for the County of York; Read &

Legislative Records of the Council, xvi., 196.

*Ordered* that these Six Accompts begining Febr<sup>y</sup> 1729 & Ending June 28. 1735 be Accepted and the said Commiss<sup>rs</sup> are Accordingly discharged of the sum of Five hundred pounds principal & two hundred & Eighty four pounds Six shillings Interest and that they forthwith pay into the Treasury Three hundred & fifty Six pounds principal & Seven pounds ten shillings Interest now in their hands Likewise that they be Accountable for two hundred & Ninety One pounds principal & Six pounds fourteen shillings Interest Still outstanding with what further they may Receive for Interest. [*Passed July 1.*]

House Journal, pp. 80, 81. Province Laws, ii., 61, chap. 18. *Supra*, chap. 83.

## CHAPTER 85.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE OF THE ACC<sup>TS</sup> OF THE TRUSTEES OF THE £50,000 LOAN.

Legislative Records of the Council, xvi., 196.

EZEKIEL LEWIS ESQ<sup>R</sup> from the Com<sup>tee</sup> of both Houses on the Accompts of the Trustees and Commissioners of the Loan made Report on the Accompts of the Trustees of the £50,000 loan which was Read & Accepted by both Houses.<sup>1</sup> [*Passed July 1.*]

*Ante*, p. 54, chap. 109. *Infra*, chap. 86.

## CHAPTER 86.

ORDER ACCEPTING THE ACCO<sup>TS</sup> OF THE TRUSTEES OF THE £50,000 LOAN.

ON THE ACCOMPTS of Addington [Davenport] Thomas Hutchinson and Edward Hutchinson Esq<sup>rs</sup> Trustees for the £50,000 Loan

Legislative Records of the Council, xvi., 197.

Read &

*Ordered* that these four Accompts of the Trustees of the £50,000 Loan begining Novem<sup>r</sup> 1724 and Ending April 16. 1735 be and hereby are Accepted, & the Accomptants discharged Accordingly of the sum of Five Thousand Eight hundred & Seven pounds thirteen shillings &

House Journal, p. 81. Province Laws, i., 750, chap. 10; xi., 51, chap. 128.

<sup>1</sup> Not found in the House Journal.

*Supra*, chap.  
85.

Eleven pence principal, paid the Treasurer and of the sum of Five hundred pounds principal money, being so much that was Remitted Governour<sup>1</sup> Usher by the General Court in their Session Nov<sup>r</sup> 1727,<sup>2</sup> & two Thousand five hundred & Sixty One pounds two Shillings & two pence Interest and that they are Accountable for One Thousand Six hundred & five pounds two Shillings & Eleven pence principal, Also for what Interest is now out standing and may further become due, together with what they may Receive further on account of Law suits. [*Passed July 1.*

## CHAPTER 87.

### VOTE FOR A TOWN MEETING IN BOXFORD NEW PRECINCT.

Legislative  
Records of the  
Council, xvi.,  
197.

House Jour-  
nal, p. 85.  
*Ante*, p. 159,  
chap. 75.

*Ordered* that Mr Luke Hovey, one of the Principal Inhabitants of the Precinct lately made out of the Town of Boxford, be & hereby is Authorized & Impowred to Assemble the Freeholders & other qualified Voters, as soon as may be, in some Convenient place in said precinct, to make Choice of precinct officers to stand till the Anniversary Meeting in March next. [*Passed July 2.*

## CHAPTER 88.

### ORDER ALLOWING THE BARNSTABLE CO TREAS<sup>RS</sup> ACCOT<sup>R</sup>.

Legislative  
Records of the  
Council, xvi.,  
197.

House Jour-  
nal, p. 75.

AN ACCOMPT presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable Having been laid before the Court of General Sessions of the peace for said County and by them Allowed

Read &

*Ordered* that the Accompt be Allowed in the Several Articles thereof excepting the Article (nubred 16) Amounting to ten pounds ten shillings paid Sher. Goreham for laying out a way to Sam<sup>l</sup> Barkers Ferry place which Article is not allowed. [*Passed July 2.*

## CHAPTER 89.

### ORDER IMPOWERING MOOREY & SMITH TO BRING AN ACTION FOR REDEMPTION OF AN ESTATE.

Legislative  
Records of the  
Council, xvi.,  
198.

House Jour-  
nal, p. 86.  
*Ante*, p. 98,  
chap. 212.

ON THE PETITION of John Moorey and John Smith [*ante*, p. 98, chap. 212] Read together with the Answer of Charles Joslyn and others papers; And the Matter being fully considered.

*Ordered* that the prayer of the petition be so far Granted, as that the pet<sup>rs</sup> be and hereby are Impowred to File a New Plaint or Bill for the Redemption of the Estate within mentioned at the Sup<sup>r</sup> Court of Judicature to be holden at Bristol in September next, and that in the time interveneing between that and the time of filing the New Complaint be no Bar or prejudice to the same, And the Justices of the said Court are hereby directed & Impowred to hear & Determine the same. [*Passed July 2.*

<sup>1</sup> Lieutenant Governor of New Hampshire, 1692–97, 1702–15.

<sup>2</sup> *Quere*, June, 1726? See Province Laws, xi., 51, chap. 128.

## CHAPTER 90.

ORDER ALLOWING £13. 16. 1 TO MICHL WHIDDEN.

A PETITION of Michael Whidden of Portsmouth in the province of New Hampshire, Praying that he may be Reimbursed out of the Treasury of this Province the Sum of £13. 16. 1 which he paid as the Charges of his Son Samuel Whiddens Sickness while he was a Soldier in the Service of the Province of which Sickness he dyed.

Read & in Answer to this petition,

*Ordered* that the sum of Thirteen pounds Sixteen shillings & one penny be Granted and paid out of the publick Treasury to the Pet<sup>r</sup> Michael Whidden to Reimburse him the like Sum he paid on the Acco<sup>t</sup> of his Son Samuel for Doct<sup>s</sup> &c while he was in the Service as appears by the Vouchers herewith. [*Passed July 2.*]

Legislative  
Records of the  
Council, xvi.,  
198.  
House Jour-  
nal, p. 86.

## CHAPTER 91.

ORDER ON JOHN MAVERICKS PETITION PRAYING FOR POSSESSION OF A BOND.

ON THE PETITION of John Maverick, [*ante*, p. 144, chap. 42]

Read &

*Ordered* that the prayer of the petition be Granted & that the Respondent be and hereby is directed to assign over and deliver up the Bail Bond within mentioned, with full power to sue out the same, provided the pet<sup>r</sup> give the Respondent Sufficient Security to Indemnify him from any Charge or damage that may arise thereupon.<sup>1</sup> [*Passed July 2.*]

Legislative  
Records of the  
Council, xvi.,  
192, 198.  
House Jour-  
nal, pp. 75, 89.  
*Ante*, p. 144,  
chap. 42.

## CHAPTER 92.

ORD<sup>R</sup> IMPOWERING GEORGE LEDAIN TO BRING AN ACTION OF REVIEW WITH STAY OF EXECUTION.

A PETITION of George Ledain of Boston Mariner Shewing that Sam<sup>l</sup> Norton of Boston aforesaid Shipwright brought his Action Against the pet<sup>r</sup> while he was out of the Province for Forty pounds for house Rent, which was tried at the Inf<sup>r</sup> Court in Boston in October last, which went against him, his wife (who was to Act for him) being then extreamly Sick & Ignorant of the Affairs of the Law; & for as much as the pet<sup>r</sup> has Really paid the money to the plant<sup>s</sup> Bro<sup>r</sup> to whom it was of Right due; Therefore praying That he may be Enabled to Review the said Action and make an Issuable plea thereon and that Execution may be Stay'd in the mean time

Read together with the Answer of Samuel Norton; And the Matter being fully considered,

*Ordered* that the prayer of the petition be Granted and that the pet<sup>r</sup> be and hereby is Impowred to Review the Action within mentioned at the Inf<sup>r</sup> Court of Common pleas to be holden at Boston within & for the County of Suffolk in October next, that so he may make an Issu-

Legislative  
Records of the  
Council, xvi.,  
179, 199.  
House Jour-  
nal, pp. 53, 86.

<sup>1</sup> The foregoing order was first passed in Council, Legislative Records of the Council, xvi., 192, House Journal, p. 89; but on page 198 of Legislative Records of the Council the order is spoken of as having passed first in the House of Representatives.

able plea to his first writ within mentioned, and Contest the Merits of his Action his Default & the Judgment within mentioned notwithstanding and that the Execution within mentioned be Stayed in the mean time and the Justices of the said Court are hereby directed and impowred to hear & determine the said Action Accordingly. [*Passed July 2.*]

## CHAPTER 93.

### ORDER ON NATH<sup>L</sup> SALTONSTALS PETITION FOR NEW TRIAL OF AN ACTION, WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
159, 160.

House Jour-  
nal, pp. 33, 84.

A PETITION of Nathanael Saltonstal by his Attorney William Blyn Shewing that One Henry Stokes enticed him to Gaming (he being then a Youth & unexperienced in the World) and Won of him two hundred and Sixty pounds, for which Sum he obliged him to give his promisyary Note, and afterwards Sued him thereupon & obtained Judgment Against him : That the pet<sup>rs</sup> Attorney brought on the Action to a Review in the Superiour Court preeipitantly, the principal Evidence for the Pet<sup>r</sup> (who could have proved that the said note was given purely upon consideration of a Sum of money won by Gaming) being at Sea ; And therefore praying that the Pet<sup>r</sup> may have a New Trial at the Superiour Court and that Execution be Stay'd in the mean time

Read, together with the Answer of Alice Stokes attorney to Henry Stokes, &

*Ordered* that the pet<sup>r</sup> be Allowed to take the affidavits of such Witnesses as were Absent at the Trial on the Review, Referr'd to in this petition, before one of his majestys Justices (in the County where Such Justice may live) Relating to the Cause mentioned in the petition the Attorney of s<sup>d</sup> Stokes to be Notified of the Intended Caption of Such Affidavit And that the further consideration of the petition be Referr'd to the next Sitting of this Court that so the said Stokes may Give Answer thereto, And that upon the pet<sup>rs</sup> or his Attorneys giving Sufficient Security for the payment of such Debt & Cost which he Recovered at the Review, with what further Cost he the said Stokes may Recover on such Trial as may be Allowed by this Court, in Case the former Judgment be not Reversed, the Execution within mentioned shall be Stayed. [*Passed July 2.*]

## CHAPTER 94.

### ORDER OF NOTICE ON NATH<sup>L</sup> CUNINGHAMS PETITION IN REGARD TO A DEBT OF £50.

Legislative  
Records of the  
Council, xvi.,  
160.

House Jour-  
nal, p. 86.

A PETITION of Nath<sup>L</sup> Cuningham of Boston Merchant Shewing that one Thomas Turner of Rochester in the County of Plymouth died Fifty pounds in his Debt that he was Ignorant of the said Turners death till very Lately but is now Informed, that the widow has now taken Administration of the Estate and Rendred it Insolvant, and that Commiss<sup>rs</sup> Appointed by the Judge of Probate have made Report of the Creditors Claims. Praying that the said Judge of Probate may be directed to have the pet<sup>rs</sup> Claim Considered & to Order him a proportionable part of the Estate of the deced

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adm<sup>x</sup> of the said Thomas Turner



deced with a Copy of the petition, that she shew Cause, if any she have, on the first Tuesday of the next Sitting of the Court, why the prayer of the petition should not be Granted; and the petition is Referr'd in the meantime for consideration. [*Passed July 2.*]

## CHAPTER 95.

### ORDER CONFIRMING A PLAT OF 566 ACRES OF LAND FOR NEWTON FOR SUPPORT OF THE GREAT BRIDGE.

A PLAT of One Thousand Acres of Land Granted to the Town of Newton (as their part of three Thousand Acres Allowed for keeping the great Bridge at Cambridge in Repair) laid out by Joseph Wilder Esq<sup>r</sup> Survey<sup>r</sup> & Chainmen on Oath, lying Adjacent to the South line of the New town at Paquoig, & bounding North thereon Southeasterly on the Township called Voluntier Town, and West on Province land: begining at a pillar of Stones at Paquoig line, where it Meets with Voluntier Town, thence Runing West with Paquoig South line Six hundred and Eighty Nine Rods to a heap of Stones, thence four hundred and Eighty Rods where it meets with the Northwest line of Voluntier Town to a heap of Stones; thence with the said line East 34 Deg. North Eight hundred & forty Rods to where it began But inasmuch as the said Tract of land includes a part of Voluntier Town Ninety three Rods of the Plat is taken off by a Prick'd line from **A** to **B** which Reduces the plat to five hundred & Sixty Six Acres

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described more particularly by the prick't line from **A** to **B** be and hereby are confirmed to the town of newtown for ever, the Lands to be subjected nevertheless to the Conditions expressed in the Original Grant, provided it exceeds not the quantity of Five hundred Sixty Six Acres, with the allowance for swagg of Chains and does not interfere with any former Grant. [*Passed July 2.*]

## CHAPTER 96.

### ORDER CONFIRMING A PLAT OF 434 ACRES OF LAND FOR NEWTON FOR THE SUPPORT OF THE GREAT BRIDGE.

A PLAT of four hundred & thirty four Acres of land to make up the Thousand Acres of Land Granted to the Town of Newton for the Support of the Great Bridge at Cambridge, laid out by Joseph Chadburn Survey<sup>r</sup> & Chainmen on Oath; being bounded as follows viz<sup>t</sup> begining at a Hemlock tree Mark'd on four Sides by the Letters **S K** Runing South east by South One hundred & Ninety five poles, then North east by east One hundred & Sixty poles, then South east by South Eighty poles, then North east & by east One hundred & forty poles then North West & by North two hundred & Seventy five poles, then South West & by West three hundred poles, to the first Station; being bounded on the South Westerly part on the Township above Berwick and about a Mile to the North westward from the Head line of Berwick

Read and

*Ordered* that the plat be Accepted, and the Lands therein delineated and described be and hereby are confirmed to the town of Newton for

Legislative  
Records of the  
Council, xvi.,  
200. Maps and  
Plans, Mis.,  
ix., 18.

Maps and  
Plans, Mis.,  
ix., 18. House  
Journal, p. 82.  
*Ante*, p. 27,  
chap. 51.  
*Infra*, chap.  
96.

Legislative  
Records of the  
Council, xvi.,  
200. Maps and  
Plans, Mis.,  
ix., 19.

Maps and  
Plans, Mis.,  
ix., 19 *bis*.  
House Jour-  
nal, p. 82.  
*Supra*, chap.  
95.

Ever the Lands to be subjected nevertheless to the Conditions expressed in the Original Grant, provided it exceeds not the quantity of four hundred thirty four Acres and does not interfere with any former Grant, and is in full satisfaction of the Grant of One thousand acres of Land within mentioned. [*Passed July 2.*]

## CHAPTER 97.

### ORDER ACCEPTING THE COMMITTEES REPORT ON PUNCAPAUG AFFR AND DIRECTING THE DISTRIBUTION OF £170 TO THE INDIANS.

Legislative  
Records of the  
Council, xvi.,  
201. Mass.  
Archives, xlii.,  
186.

House Jour-  
nal, p. 170  
(April, 1735);  
pp. 83, 84.  
*Ante*, p. 43,  
chap. 91; p. 119,  
chap. 261.

THE COM<sup>TEE</sup> Appointed by the Great & General Court at their Sessions in April 1735 On the petition of Joseph Tucker & others of Stoughton, having Repaired to & taken a View of the lands in said Petition mentioned & Examined the Deeds Leases & plats produced to us & fully heard the partys thereon, are humbly of Opinion that the Report of a Com<sup>tee</sup> Appointed by this Court in Sep<sup>r</sup> 1734, to inspect the Survey of the two hundred & Seventy Acres (a Deed whereof has been Executed by Amos Abauton & others Indian Proprietors of Puncapaug to John Wentworth & W<sup>m</sup> Sherman) be Accepted and that the two hundred & Seventy Acres, conveyed as aforesaid, & described in said Deed & plan thereto Annexed, be Confirmed to the said John Wentworth & William Sherman, their heirs and assignes forever; Provided that the said Land does not Extend further Eastward then the Most Easterly part of John Wentworths Bever Meadow, nor interfere with the twelve divisions so Called in said Town: Also that Joseph Esty jun<sup>r</sup> shall enjoy the priviledge of a way from his Field to the Road leading to the Neck; said Way to Run where the Causy now is and thence to . . . Pattins as said way now goes

In the Name & by Order of the Committee

Boston June 8. 1735

Tuo<sup>s</sup> CUSHING

Read and

*Ordered* that this Report be accepted and that the Charge of the Committee Amounting to Twelve Pounds five shillings and ten pence be paid by Moses Gill Joseph Esty and Edward Capen and all the rest of the Pet<sup>rs</sup> in Equal parts to Moses Gill to be by him paid to whom it is respectively due: And

*Ordered* That John Quincy Esq<sup>r</sup> Trustee for the Indian Affairs of Puncapogg be and hereby is Impowered and Desired to Employ and Use the Sum of one hundred and Seventy pounds at Interest being the principal Sum of the Consideration purchase of the Two hund<sup>d</sup> & Seventy Acres of Land within mentioned the said Interest Annually together with the Sum of Ten pounds four shillings one years Interest of one hundred & Seventy pounds to be Distributed to the said Indians by the said Trustee in Such Necessarys as they may Stand in need of in the Same manner as the Issues and Profits of their other money is handed out to them as their occasions may Call for the Said Trustee to be Accountable for their Doings herein as he is for the Indians other money. [*Passed July 2.*]

## CHAPTER 98.

ORDER OF NOTICE ON CONCORD LEXINGTON & WESTON INHAB<sup>TS</sup> PETITION FOR A TOWNSHIP.

A PETITION of John Flynt Simon Dakin Josiah Park & other Inhab<sup>ts</sup> & proprietors of the Easterly part of Concord the Northerly part of Weston & the Westerly part of Lexington Praying that they their familys & Estates as particularly bounded & described in this petition may be Sett off a Seperate Township

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Towns of Concord Lexington & Weston with Copys of this petition that they shew Cause on the Second Wednesday of the next Sitting of the Court why the Prayer thereof should not be Granted; & that the petition be Referr'd to the said Sitting for consideration Accordingly.<sup>1</sup> [*Passed July 2.*]

Legislative  
Records of the  
Council, xvi.,  
201.

House Jour-  
nal, p. 87.  
*Ante*, p. 13,  
chap. 15.

## CHAPTER 99.

## ORDER APPOINTING A COMMITTEE ON THE PEMBROKE INDIANS PETITION ABOUT LAND.

A PETITION of John Quiksite & John Thomas, in behalf of the Indians of Pembroke, Complaining that one Patience, who is called their Queen Sachem, being Grand daughter to their late King Josiah, has made Great Strip & Waste on a Tract of Land belonging to them by the Gift of their said King, Praying for Relief from this Court.

In Council Read &

*Ordered* That Isaac Lothrop Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>bl</sup> House, be a Com<sup>tee</sup> to inquire into the Matter of Complaint within Mentioned, & make Report to this Court at their next Sitting, what they Judge proper to be done thereon In the House of Representatives Read & Concurr'd & John Cushing jun<sup>r</sup> Esq<sup>r</sup> & Col<sup>o</sup> Alden are Joined in the affair. [*Passed July 2.*]

Legislative  
Records of the  
Council, xvi.,  
202.

House Jour-  
nal, pp. 86, 87.

## CHAPTER 100.

## ORDER GRANTING THE HEIRS OR EXECUTORS OF THOMAS BUCK THREE YEARS TO REDEEM LANDS.

A PETITION of Hannah Buck of Situate in the County of Plymouth, Shewing that in the Year 1716 her husband Mortgaged Sundry parcells of Land to the Commiss<sup>rs</sup> that in the Year 1733, he came over Carolina Bar in bad weather & he has never since been heard of & is Supposed to be lost; Praying for some further time for Redeeming the Mortgaged premisses & that the Interest may be Suspended in the meantime

Read &

*Ordered* that three Years be & hereby is Allowed to the heirs or Exors of Thomas Buck within named decēd from the date hereof to

Legislative  
Records of the  
Council, xvi.,  
202.

House Jour-  
nal, pp. 89, 90.

<sup>1</sup> At the hearings on November 27, and December 2 and 3, 1735, House Journal, pp. 113, 119, 126, this petition was dismissed for non-agreement between the two houses. Legislative Records of the Council, xvi., 224, gives the last date December 5.

Redeem the Lands mentioned in said petition; and that the Interest of the money for which the said Land was Mortgaged cease for the time of three Years aforesaid. [*Passed July 2.*]

## CHAPTER 101.

### ORDER ALLOWING £7. 10 TO SAM<sup>L</sup> EATON.

Legislative  
Records of the  
Council, xvi.,  
202.

House Jour-  
nal, p. 83.

A PETITION of Sammel Eaton a Soldier in his Majestys Service at Fort George at Brunswick Praying that he may be allowed the sum of £7. 10 the Doctors Bill arising on a Sickness he had in the Service Some Years Since amounting to that sum.

Read &

*Ordered* that the sum of Seven pounds ten shillings be granted and paid out of the publick Treasury to the said Sam<sup>L</sup> Eaton or Order to Reimburse him the said sum he paid as Appears by the Receipt within written. [*Passed July 2.*]

## CHAPTER 102.

### ORDER IMPOWERING SARAH WHITTEN EXECUTRIX TO ENTER AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
199, 203.

House Jour-  
nal, p. 90.  
*Ante*, p. 110,  
chap. 240.

A PETITION of Sarah Whitton, Relict Widow & Executrix of Henry Whitton late of Boston decēd, Shewing that the Order pass'd by the Court in April last, impowring her said husband to prosecute An Action in the Law Against William Daniels of Biddeford, became ineffectual, by the death of her said husband; And therefore praying that She may be Impowred to pursue the Same in the Law as Executrix to her husband.

Read &

*Ordered* that the prayer of the petition be Granted and the pet<sup>r</sup> is Accordingly Impowred to pursue in the Law the Action within Referr'd to, as Executrix to her late husband Henry Whitten decēd, in the same Manner as he might have done (were he living) by Virtue of the order of this Court pass'd on the said Whittens petition in April last. [*Passed July 3.*]

## CHAPTER 103.

### ORDER SUBSTITUTING M<sup>R</sup> MICHAEL STONE FOR M<sup>R</sup> OXENBRIDGE THATCHER ON THE COM<sup>TEE</sup> ON MOSES SPEENS PETITION.

Legislative  
Records of the  
Council, xvi.,  
203.

House Jour-  
nal, p. 90.  
*Ante*, p. 150,  
chap. 54.

*Voted* that M<sup>r</sup> Michael<sup>1</sup> Stone be of the Com<sup>tee</sup> on the Affair in the Petition of Moses Speen Indian of Natick in the Room of Oxenbridge Thatcher who desires to be Excused from the Service. [*Passed July 3.*]

<sup>1</sup> “*Micah*,” in the House Journal.

## CHAPTER 104.

VOTE APPOINTING MEMBERS OF COUNCIL TO ATTEND THE GOV<sup>R</sup> WESTWARD.Legislative  
Records of the  
Council, xvi.,  
203.

*Voted* That Sam<sup>l</sup> Thaxter John Turner William Dudley John Jeffries Josiah Willard Jacob Wendell Anthony Stoddard Samuel Welles Thom<sup>s</sup> Berry & Joseph Wilder Esq<sup>rs</sup> be desired (with such Gentlemen as are Already Appointed by the General Court) to wait on his Excellency at the Intended Interview with the Western Indians. [*Passed July 3.*]

Legislative  
Records of the  
Council, xvi.,  
193. House  
Journal, p. 91.  
*Ante*, p. 88,  
chap. 185.

## CHAPTER 105.

VOTE APPOINTING A SUBSTITUTE COM<sup>TEE</sup> FOR SIGNING BILLS OF CREDIT.Legislative  
Records of the  
Council, xvi.,  
203.

*Voted* that Josiah Willard John Quincey & John Wainwright Esq<sup>rs</sup> be of the Com<sup>tee</sup> for Signing Bills of Credit in the Room of the Hon<sup>ble</sup> Addington Davenport Esq<sup>r</sup> Samuel Checkley Esq<sup>r</sup> who thrō Infirmary of Body are Rendred Unable to Attend that Service and of William Payne Esq<sup>r</sup> deced And that the Com<sup>tee</sup> be directed to Sign the Bills in the Town of Boston & be paid for their Service as formerly. [*Passed July 3.*]

Legislative  
Records of the  
Council, xvi.,  
198, 203. House  
Journal, p. 91.  
Province  
Laws, x., 273,  
chap. 331; xi.,  
289, chap. 177.

## CHAPTER 106.

ORDER OF NOTICE ON JA<sup>S</sup> TISDALES EX<sup>RS</sup> PETITION IN REGARD TO A TRIAL OF AN ACTION.

A PETITION of Nath<sup>l</sup> Fitch & Mind well his wife & Ebenezer Tisdale EX<sup>ORS</sup> of the last will & Testament of James Tisdale deced, Shewing That upon their omitting to take out a Copy of said Will & produce it in Court they lost the benefit of a Trial before the Sup<sup>r</sup> Court of Judicature held at Bristol in Septem<sup>r</sup> last, althō this Court had ordered the same at their Session in May 1734; And therefore praying that the said Order may be Revived and that they may have a Trial of the said Cause between the Pet<sup>rs</sup> and Timothy Lyndall Esq<sup>r</sup> & James Varney at the Sup<sup>r</sup> Court next to be holden for the County of Bristol.

Legislative  
Records of the  
Council, xvi.,  
203.House Jour-  
nal, p. 87.  
*Ante*, p. 19,  
chap. 28.

Read &

*Ordered* that the Pet<sup>r</sup> Serve the within named Timothy Lyndall Esq<sup>r</sup> & James Varney with a Copy of the petition, that they shew Cause, if any they have, on the first Tuesday of the next Sitting of the Court, why the prayer of the petition should not be Granted; and the petition is Referr'd Accordingly. [*Passed July 3.*]

## CHAPTER 107.

## ORDER OF NOTICE ON ISAAC BARKERS PETITION FOR A NEW TRIAL OF AN ACTION WITH STAY OF EXECUTION.

A PETITION of Isaac Barker of Pembroke in the County of Plymouth, Shewing That he was bound, as Surety with One Thomas Barker, to Jonathan Waldo late of Boston deced for a Certain Sum, part of which

Legislative  
Records of the  
Council, xvi.,  
204.



House Journal, pp. 89, 90.

he had paid in the life time of the said Waldo, and Tendred the Remainder to his Widow & Admin<sup>r</sup> Notwithstanding Which She put the Bond in Suit against him; that he and his Attorney Attended the Court the two first Weeks, and the Writ not being then to be found, he had no Expectation that the Action would be Called, but in the Absence of the Pet<sup>r</sup> and his Attorney the Action was Called and went against him by Default; from which Judgment he Appealed to the Sup<sup>r</sup> Court, but could have no Relief there, And therefore praying that the Judgment Against him may be Vacated as Illegal, Execution Suspended and that he may have a New Trial of his Cause

Read &

*Ordered* that the Pet<sup>r</sup> Serve the Adverse party with a Copy of the petition, that so Cause may be Shewn, on the first Fryday of the Next Sitting of the Court, why the prayer thereof may not be Granted, and that Execution be Staid in the Meantime.<sup>1</sup> [*Passed July 3.*]

## CHAPTER 108.

### ORDER OF NOTICE ON WM WINDOVERS PETITION FOR LEAVE TO REVIEW THREE ACTIONS.

Legislative Records of the Council, xvi., 294.

House Journal, pp. 90, 91.

A PETITION of William Windover of Boston Sadler Shewing that in the Year 1728, he had three Actions depending in the Inf<sup>r</sup> Court of Common pleas at Boston Against Adam Tuck now de<sup>cd</sup>; which they Submitted to a Rule of Court, Upon which the Report & Judgment were in said Tucks favour, the Pet<sup>rs</sup> Books being Stollen from him So that he Could not prove his Accompts Praying that he may be Allowed to Review the said Actions

Read &

*Ordered* that the Pet<sup>r</sup> Serve the Adverse party M<sup>r</sup> Henry Lawton Adm<sup>r</sup> on the Estate of the said Adam Tuck, with a Copy of this petition, that he Shew Cause, on the first Fryday of the next Sitting of the Court, why the prayer thereof should not be Granted, and the petition is Referr'd Accordingly for further Consideration.<sup>2</sup> [*Passed July 3.*]<sup>3</sup>

## CHAPTER 109.

### ORDER OF NOTICE ON DANIEL GIBBS PETITION FOR LEAVE TO ENTER AN APPEAL.

Legislative Records of the Council, xvi., 295.

House Journal, p. 93.

A PETITION of Daniel Gibbs of Glocester Shewing that at the Inferiour Court held at Boston in April last he appealed from two Judgments Obtained Against him by Roger Wellington Mariner to the Superiour Court of Judicature held at Boston in August last, he having Sued the said Wellington for enticeing away his Apprentice & Carrying him to Sea; That the pet<sup>r</sup> filed his Reasons in due time but his Attorney forgot to enter his Appeal the first day of the Court, but did Afterwards; but that entry being Excepted Against was disallowed, and the said Willington filed his Complaint Against the pet<sup>r</sup> And therefore praying that his Said Appeals may be tried

<sup>1</sup> At the hearing November 28, 1735, House Journal, p. 115, this petition was dismissed. Legislative Records of the Council, xvi., 218, gives the date December 1.

<sup>2</sup> At the hearing on the 24<sup>th</sup> of November, 1735, House Journal, p. 103, this petition was dismissed.

<sup>3</sup> Adjourned to September 10. See Legislative Records of the Council, xiv., 205.

at the Adjournment of the Superiour Court in November next, and that the Entries aforesaid may be Allowed

Read &

*Ordered* that the pet<sup>r</sup> Serve the Said Roger Wellington the Adverse party, or his Attorney, with a Copy of the petition, that he shew Cause, if any he have, on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be Granted; and all further process in both Actions within mentioned is hereby Suspended in the mean time. [*Passed September 10.*]

## CHAPTER 110.

### ORDER OF NOTICE ON MOSES CURTIS PETITION TO BE SET OFF FROM STOUGHTON.

A PETITION of Moses Curtis of Stoughton Shewing that he is Situate far Remote from the Body of the said Town so that he can enjoy no priviledge there and therefore praying that he and his Estate may be wholly Sett off to the Town of Brantry for which he lies Convenient

Legislative  
Records of the  
Council, xvi.,  
205.

Read &

House Jour-  
nal, p. 94.

*Ordered* that the pet<sup>r</sup> serve the Town of Stoughton with a Copy of the petition that they shew Cause if any they have on the first Tuesday of the next Sitting of the Court why the prayer thereof should not be Granted.<sup>1</sup> [*Passed September 10.*]

## CHAPTER 111.

### ORDER CONFIRMING A PLAT OF 400 ACRES OF LAND TO JOHN BLAISDELL.

A PLAT of four hundred Acres of Land Granted by the General Court to John Blaisdel laid out by Samuel Emerson and two Chainmen on Oath being Situated on Merrimack River

Legislative  
Records of the  
Council, xvi.,  
206. Maps and  
Plans, Mis.,  
ix., 16.

Read &

*Ordered* that the plat be accepted & the Lands within delineated & described be & hereby are accordingly confirmed to y<sup>e</sup> s<sup>d</sup> John Blaisdale his heirs & assigns for Ever provided he or they comply with the Conditions of the respective Grants provided also the plat exceeds not y<sup>e</sup> quantity of four hundred Acres of Land & does not interfere with any former Grant. [*Passed September 10.*]

Maps and  
Plans, Mis.,  
ix., 16. House  
Journal, p. 94.  
*Ante*, p. 76,  
chap. 154;  
p. 102, chap.  
222.

## CHAPTER 112.

### ORDER OF NOTICE ON THE PETITION OF THE FIRST PARISH IN SALEM IN REGARD TO BUILDING A MEETING HOUSE.

A PETITION of Benjamin Lynde jun<sup>r</sup> Esq<sup>r</sup> and others a Committee of the first Parish in Salem, Complaining of the Irregular proceedings of M<sup>r</sup> Samuel Fisk their late Pastor and those that Adhere to him, and that Notwithstanding there have been divers Determinations of Eccle-

Legislative  
Records of the  
Council, xvi.,  
206.

House Jour-  
nal, pp. 94, 95.

<sup>1</sup> No record has been found in the House Journal of the hearing; but on December 3, 1735, p. 121, the petition was revived, and at the final hearing December 30, 1735, House Journal, p. 179, was dismissed.

siastical Councils Against him and his Church have deposed him from the Office of their Pastor, Yet he and his Adherents are about to Build a Meeting house so near to the Parish Church as will give Disturbance to the Publick Worship there, if the said House be used According to the Intention of those Concerned, and that Notwithstanding the Governour and Council have Advised them not to proceed in the Affair they have laid the foundation of the said House, and are about to Raise the Frame And therefore praying that this Court would take Effectual Measures that M<sup>r</sup> Fisk preach no longer in the Town of Salem and that the House he and his party are designed to build may not be used as a place of publick Worship.

Read &

*Ordered* that the pet<sup>rs</sup> Serve M<sup>r</sup> Samuel Fiske Within named as also Mess<sup>rs</sup> Samuel Ruck, Timothy Pickering, John Coles and Nathan<sup>1</sup> Os-good, with a Copy of this petition that they give in their Answer thereto on the first Tuesday of the next Sitting of the Court, And they and all persons whatsoever are Strictly forbidden any further proceedings in or towards building a Meeting house on or near the place within mentioned till the End of the next Sitting of the Court. [*Passed September 11.*]

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## CHAPTER 113.

VOTE ALLOWING THE PRINTER TO CHARGE 40/ PER SHEET FOR VOTES.

Legislative  
Records of the  
Council, xvi.,  
207.

House Jour-  
nal, p. 94.

*Voted* That M<sup>r</sup> Samuel Kneeland Printer to the House of Represent<sup>a</sup> be Allowed to Charge Forty Shillings p<sup>r</sup> Sheet for the printed Votes from the time his last Accompt was Rendred and paid. [*Passed September 11.*]

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## CHAPTER 114.

VOTE FOR SURVEYING PATUCKETT RIVER.

Legislative  
Records of the  
Council, xvi.,  
207.

House Jour-  
nal, p. 95.

*Voted* that Charles Church Esq<sup>r</sup> be and hereby is impowred & directed by two Skilfull and Disinterested Surveyors on Oath to take the Exact Bearing of Patucket River and Branches with the Distances thereof more especially at the Falls by the controverted Gore of Land in Attleborough. And that he Return an Accompt of his proceedings herein, duly Certified, into the Secretarys Office as soon as may be; And that M<sup>r</sup> Secretary on the Receipt thereof forthwith Transmit the Same to the Agents of this Province at the Court of Great Britain. [*Passed September 11.*]

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## CHAPTER 115.

VOTE FOR REFERRING MATTERS TO THE NEXT SITTING OF Y<sup>E</sup> COURT.

Legislative  
Records of the  
Council, xvi.,  
207.

House Jour-  
nal, p. 95.

*Ordered* that all petitions and Matters whatsoever, that were Referr'd for Consideration to the present Sitting of this Court, be further Referr'd to the next Sitting thereof, and that which had day Assigned them be considered on the same day of the next Sitting. [*Passed September 11.*<sup>1</sup>]

<sup>1</sup> Adjourned to November 19. See Legislative Records of the Council, xiv., 207.

## CHAPTER 116.

ORDER SUBSTITUTING M<sup>r</sup> TIMOTHY PROUT FOR M<sup>r</sup> ELISHA BUSBY ON THE COMMITTEE ON THE ROXBURY AFFAIR.

*Ordered* That M<sup>r</sup> Timothy Prout be Added to the Com<sup>tee</sup> Appointed on the Eighteenth of April last on the petitions of the East and West precincts in Roxbury Respecting a partition line between them in the Room of Elisha Busby Esq<sup>r</sup> one of the said Com<sup>tee</sup> who thro Infirmary of body is Rendred incapable of Attending that Service. [*Passed November 25.*]

Legislative  
Records of the  
Council, xvi.,  
211.

House Jour-  
nal, p. 103.  
*Ante*, p. 107,  
chap. 232.

## CHAPTER 117.

ORDER IMPOWERING JERE. &amp; ESTHER ANTHONY TO SELL LAND.

A PETITION of Jeremiah Anthony and Esther his Wife Indians of Middleborô, Shewing that they are owners in the Right of the said Esther of a Tract of Land in a place Called Bettys Neck in said Town, Containing about One hundred Acres, being Mostly light Barren land; that the pet<sup>rs</sup> have Contracted a Debt of about Twenty pounds by their Sickness, that they are now Advanced in years and without Children or other near Relations; And therefore praying that they may be Impowred to Sell one half of Said land for paying their debts, and for their More Comfortable Support in their old age.

Legislative  
Records of the  
Council, xvi.,  
211.

House Jour-  
nal, p. 104.  
Province  
Laws, ii., 151,  
chap. 10.

Read &amp;

*Ordered* that the prayer of the petition be Granted, and the pet<sup>rs</sup> are Allowed and fully impowred to make Sale of One half of their Right & Estate to the Lands in Bettys Neck (so Called) in Ashawamsett for the Most the Same will fetch and to pass and Execute in due form of Law, a Good and Sufficient Deed or Deeds of Sale or Conveyance thereof; And Mess<sup>rs</sup> John Alden & Elkanah Leonard are hereby desired & Impowred to Assist in making Sale of the Lands and therein to Observe the Directions of the Act of the Province of the Sixth of George the first Chap. III<sup>d</sup> Relating to Exors & admors making Sale of Lands that Justice be done to the Indians in the Sale and out of the produce thereof to pay their just Debts and that the Remaind<sup>r</sup> be by them paid for the Comfortable Support and Relief of the pet<sup>rs</sup> as their Occasions may call for. [*Passed November 25.*]

## CHAPTER 118.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE FIRST PARISH IN SALEM.

ON THE PETITION of the Com<sup>tee</sup> of the first Parish in Salem [*ante*, p. 173, chap. 112]

Legislative  
Records of the  
Council, xvi.,  
213.

In Council Read, together with the Several Answers to this petition, &

*Ordered* that Meletiah Bourn, Seth Williams, and Joseph Wilder Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>s</sup> be a Com<sup>tee</sup> to Repair to Salem and hear the partys to this petition, and View the Distance between the Meeting house in the first Parish

House Jour-  
nal, p. 108.  
*Ante*, p. 173,  
chap. 112.

and the place proposed by the Respondents for Erecting a New Meeting house on, & Consider and Report what may be proper for this Court to do thereon.

In the House of Represent<sup>a</sup> Read & Concurr'd and Col<sup>o</sup> Chandler Col<sup>o</sup> Dwight Col<sup>o</sup> Church & Col<sup>o</sup> Cushing are Joined in the Affair. [*Passed November 26.*]

## CHAPTER 119.

### ORDER ADMITTING DANIEL GIBBS TO A TRIAL OF AN APPEAL.

Legislative  
Records of the  
Council, xvi.,  
215.

House Jour-  
nal, p. 111.  
*Ante*, p. 172,  
chap. 109.

ON THE PETITION of Daniel Gibbs [*ante*, p. 172, chap. 109]

Read, together with the Answer of Roger Willington ; And the Matter being fully Considered,

*Ordered* that the prayer of the petition be so far Granted, as that the pet<sup>r</sup> be Admitted to a Trial at the Next Superiour Court of Judicature for the County of Suffolk of his Appeal of the Action within Mentioned for damages only, and to have the benefit of the Evidences Already taken in the Case in the said Superiour Court ; and the Justices of the said Court are Accordingly Impowred & directed to hear and Determine the said Cause ; the Costs hitherto Sustained in both Actions within Referr'd to be born by the Pet<sup>r</sup>. [*Passed November 27.*]

## CHAPTER 120.

### VOTE DISCHARGING THE ACCO<sup>t</sup> OF THE TRUSTEES FOR THE HASSINAMISCO INDIANS.

Legislative  
Records of the  
Council, xvi.,  
215.

House Jour-  
nal, p. 105.

AN ACCO<sup>mt</sup> presented by the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> Edward Goddard Esq<sup>r</sup> and Ephraim Curtis Esq<sup>r</sup> Trustees of the Indians at Hassinamisco ; of their Receipts and Disbursments for the last year ;

Read &

*Voted* That the Accomptants be and hereby are discharged of the Sum of One hundred and five pounds Seven shillings and Nine pence disbursed on Accompt and Service of the said Indians, and that they further Accompt to this Court for Seventy One pounds Eight Shillings & Nine pence, Remaining Interest in their hands, together with the Sum of Forty three pounds belonging to the Orphan Children of Moses Princer<sup>1</sup> deced ; and the Interest for the same, the Trustees have in their hand, being One pound Sixteen shillings and two pence, After having deducted the Charge of Cloathing and binding out of the said Orphans. [*Passed November 28.*]

## CHAPTER 121.

### ORDER ON THE PET<sup>n</sup> OF JA<sup>s</sup> TISDALES EX<sup>ts</sup> FOR LEAVE TO FILE AN APPEAL.

Legislative  
Records of the  
Council, xvi.,  
215.

House Jour-  
nal, pp. 108, 109.

ON THE PETITION of the Executors of James Tisdale deced [*ante*, p. 171, chap. 106]

Read together with the Answer of James Varney and the Matter being fully considered

<sup>1</sup> "Printer," in State Library copy, Legislative Records of the Council, xiv., 215, and the House Journal, p. 105.



*Ordered* that the prayer of the petition be Granted and the petitioners are hereby Allowed and Impowred to file their Reasons of Appeal from the Judgment within mentioned with the Clerk of the Inferiour Court of Common pleas of the County of Bristol, fourteen days at least before the day by Law Appointed for holding the Sup<sup>r</sup> Court of Judicature at Bristol in and for the County of Bristol in September next; and that they be Allowed to bring forward the said Appeal at the said Superiour Court, and that they timely Notify the Adverse partys hereof; and the Justices of the said Court are also hereby Impowred and directed to hear & try the said Action on the Appeal Enter up Judgment and Award Execution Accordingly; the Costs hitherto Arisen in the Suit to Remain as they are at present. • [*Passed November 28.*]

*Ante*, p. 171,  
chap. 106.

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## CHAPTER 122.

### ORDER OF NOTICE ON EAST<sup>LY</sup> INHAB<sup>T</sup>S OF MENDONS PETITION TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of Samuel Wheelock & a Great Number of other Inhabitants of the Town of Mendon, living on the East Side of Mill River, Setting forth the difficultys they are Under in Attending the publick Worship of God at the Meeting house in said Town by Reason of the distance and the badness of the Roads; and for as much as the said Town of Mendon is large, Therefore praying that all the Lands in Mendon on the East Side of Mill River to the Country Road by Sheffield Mill and lying between the Towns of Hopkinton Bellingham Holliston and Mendon, may be Sett off and Erected into a Sperate Township.

Legislative  
Records of the  
Council, xvi.,  
216.

House Jour-  
nal, p. 112.

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Town of Mendon with a Copy of the petition that they Shew Cause on Thursday the Eighteenth of December next if the Court be then Sitting if not on the first Thursday of the next Sitting of the Court why the prayer thereof should not be Granted.<sup>1</sup> [*Passed November 28.*]

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## CHAPTER 123.

### ORDER CONFIRMING THE BOUNDARY LINES OF THE TOWNS OF SAND- WICH AND FALMOUTH.

A PETITION of Isaac Simon & others Agents for the South Sea Indian Proprietors of Mashpee and the Agents of the Several Towns of Sandwich and Falmouth in the County of Barnstable, Praying that the Settlement of the boundary lines between the said Mashpee lands and the said Towns of Sandwich & Falmouth, Agreeable to two Several Instruments herewith exhibited may be Allowed & Confirmed by this Court

Legislative  
Records of the  
Council, xvi.,  
217.

House Jour-  
nal, p. 109.

Read &

*Ordered* that the prayer of the petition be Granted; and the Respective Perambulations of the lines between the Indian Proprietors of Mashpee & the Towns of Sandwich and Falmouth are hereby Confirmed to be Stated & fixed lines between them forever. [*Passed November 28.*]

<sup>1</sup> At the hearing on the 20<sup>th</sup> of December, 1735, House Journal, p. 159, this petition was dismissed.

## CHAPTER 124.

ORDER ALLOWING £90 TO JN<sup>O</sup> LARRABEE.

Legislative  
Records of the  
Council, xvi.,  
218.

House Jour-  
nal, pp. 99, 112.  
*Ante*, p. 9,  
chap. 4.

A PETITION of Cap<sup>t</sup> John Larrabee, Victualler of the Garrison at Castle William, Shewing that Since his last Contract, Bread & Bear have greatly Arisen in their price So that he must be a considerable Looser in Supplying the said Garrison, unless Releived by this Court; And therefore praying for an Additional Allowance

Read and

*Ordered* That the sum of Ninety pounds be Granted and paid out of the Publick Treasury to the Pet<sup>r</sup> Lieut John Larrabee in full Satisfaction of the Extraordinary Charge he has been at in Victualling the Garrison at his Majestys Castle William, to the twenty fifth day of November Instant when he makes up his Roll. [*Passed December 1.*]

## CHAPTER 125.

ORDER ALLOWING £14 TO ROBT BALL.

Legislative  
Records of the  
Council, xvi.,  
218.

House Jour-  
nal, p. 117.

A PETITION of Robert Ball keeper of the Light house Shewing that in March last, being in the Light house Boat Upon his duty, in a hard Gale of Wind the Boat overset and Sunk, and he Narrowly Escaped with his life, and he afterwards Recovered the Boat with the Charge of Twelve pounds, and was at Great Trouble and Expence of time in getting of the said Boat back; Praying that he may be Reimbursed the said Sum & paid for his time and Trouble

Read &

*Ordered* that the sum of Fourteen pounds be Granted and paid out of the Publick Treasury to the Memorialist Robert Ball, to Reimburse him the Charge he was at in Weighing the Province Boat, and to Satisfy him for his time and Trouble therein as within mentioned. [*Passed December 1.*]

## CHAPTER 126.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF LEICESTER TO LEVY AND COLLECT A TAX OF ONE PENNY PER ACRE ON LAND.

Legislative  
Records of the  
Council, xvi.,  
219.

House Jour-  
nal, pp. 117, 118.

A PETITION of Richard Southgate and John Lynde, a Com<sup>tee</sup> for the Town of Leicester, Setting forth the great Difficultys the said Town is under as to the Settlement & Support of a Minister, by Reason of the Great Charges Occasioned by the Conduct of their late Minister, and the great Number of those that are Exempt by Law from being Taxed towards those Charges; And therefore Praying that they may be impowred to Assess a Tax of One penny p Acre p Annum for such Term as this Court shall think fit on all the Lands in said Town, improved and Unimproved, except such as are Exempt by Law to be employed towards the Settlement and Support of a minister Among them

Read &

*Ordered* that the prayer of the petition be so far Granted, as that the Assessors of the said Town for the time being be and hereby are Authorized and Impowred to Levy and Assess a Tax of One penny p

Acre *p* Annun on all the Lands in the said Town of Leicester improved and Unimproved, to be Employed for and towards the Settlement & Support of an able Orthodox Minister (Excepting only the Lands belonging to such Inhabitants as by Law are exempted as aforesaid) And the Constables or Collectors for the said term are also impowred and Required to Collect the said Tax and pay the same for the use aforesaid Agreeable to the Warrants they shall Receive therefor; And the Lands of the Nonresident Proprietors are also hereby Subjected to the payment of their part of the Tax Accordingly. [*Passed December 2.*]

## CHAPTER 127.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO JOSEPH SEVERANCE.

A PLAT of two hundred Acres of Land laid out by Elijah Williams Survey<sup>r</sup> and two Chain men On Oath to fulfill a Grant made by this Court, in the Year 1734 to Joseph Severance, lying in the County of Hampshire East of Northfield bounds, South of a mountain Called Grace, being two hundred Rods in length, and One hundred & fifty Rods in Breadth; the North West Corner is a black Oak Tree Spotted on three Sides the South and East sides, Mark'd with the Letters **IS** & **ASO** & a heap of Stones at the Root of the Tree; Runing from thence East One hundred and two Rods to a Black Oak tree Marked on the South side with the Letters **IS** & a heap of Stones at the Root of the Tree, thence Runing South two hundred Rods to a White Oak tree Marked on the North & West Sides, with the Letters **IS, ASO** with Several Chesnut Trees by it, that are Spotted; thence Runing West Sixty four Rods to a Chesnut Tree Marked on the South Side with the Letters **IS**, & further West Ninety Six Rods to a Spruce Tree Marked on the East & North Sides with the Letters **ISASO** And from thence North two hundred Rods to the black Oak tree where it began

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described be and hereby are Confirmed unto the said Joseph severance his Heirs and assigns for Ever, provided the plat exceeds not the quantity of two hundred Acres of Land and does not interfere with any former Grant. [*Passed December 3.*]

Legislative  
Records of the  
Council, xvi.,  
221. Maps and  
Plans, Mis.,  
x., 6.

Maps and  
Plans, Mis.,  
x., 6 *bis*.  
House Jour-  
nal, p. 120.  
*Ante*, p. 53,  
chap. 105.

## CHAPTER 128.

### ORDER CONFIRMING A PLAT OF 400 ACRES OF LAND TO ZACH<sup>a</sup> FIELD.

A PLAT of two<sup>1</sup> hundred Acres of land laid out by William Chandler and two Chain men on Oath in part to fulfill a Grant of Eight hundred Acres made by this Court in April last to Zachariah Field, begining at a Stake and heap of Stones in the West bounds of the Township of Paquoig, thence Runing North by the Needle in said bounds, One hundred Sixty Eight Rods & an half to a large Red Oak Tree marked with the Letters **WC**, thence two Rods & an half to a Stake and heap of Stones, being the North West Corner of Paquoig Township, on the Same Course at Eighty One Rods distance [to] a large black

Legislative  
Records of the  
Council, xvi.,  
221. Maps and  
Plans, Mis.,  
ix., 26.

Maps and  
Plans, Mis.,  
ix., 26, 27 *bis*.  
House Jour-  
nal, p. 119.  
*Ante*, p. 61,  
chap. 121.

<sup>1</sup> The House Journal reads, "four hundred acres," p. 119. So the order, *infra*.

Oak tree Marked with the Letters **K F**, & Sixty Nine Rods further on said Course to a heap of Stones for the North East Corner, thence West One hundred Rods to a Hemlock Tree Marked **W S F**, thence on the Same Course two hundred & four Rods to a Hemlock tree Marked **Z F M** 1735; and One Rod further to a Stake & heap of Stones for the North West Corner, thence South three hundred & twenty Eight Rods to a black Birch Tree Marked **S F D F Z F S F** being the South West Corner thence East One hundred & One Rods to a large Hemlock tree Mark'd **Z F S F F M**, at Six Rods further Crossing a Brook and Measuring forty three Rods More in said Course to the Corner first mentioned.

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated & described be & hereby are Confirmed to the said Zechariah Field his heirs and assigns for Ever in part to satisfie a Grant of this Court of Eight hundred Acres of Land made to the said Field at the Session of the Court held by adjournment the twentieth of November 1734, provided the plat exceeds not the quantity of Four hundred Acres of Land, and does not interfere with any former Grant. [*Passed December 3.*]

## CHAPTER 129.

### VOTE IMPOWERING MAHUMEN HINSDALE TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
222.

House Jour-  
nal, pp. 118, 129.

A PETITION of Mahumen Hinsdale of Deerfield, Setting forth his great Sufferings and Expences, Occasioned by his being twice Captivated by the French and Indians, being the last time Sent to France and also his good Services & Expences in Redeeming Captives in Canada & praying for a Grant of land in Consideration thereof

Read & in Answer to this petition

*Voted* that the pet<sup>r</sup> be Allowed and Impowred by a Surveyor and Chain men on Oath to Survey and lay out Three hundred Acres of the Unappropriated Lands in the Province, Adjoyning to Some Town in the County of Hampshire, and Return a plat thereof to this Court within twelve Months for Confirmation to him his heirs and Assignes for ever. [*Passed December 5.*]

## CHAPTER 130.

### ORDER IMPOWERING SAM<sup>L</sup> FIELD TO SURVEY AND LAY OUT 200 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
222.

House Jour-  
nal, pp. 129, 130.

A PETITION of Samuel Field of Deerfield Shewing that he was Grevously Wounded thro his Body by the Indians in the late War and put to great Expence for his Cure praying for a Grant of land in consideration of his pain & Expences

Read & in Answer to this Petition

*Voted* That the Pet<sup>r</sup> be Allowed and Impowred by a Surveyor and Chainmen on Oath to Survey and lay out Two hundred Acres of the Unappropriated Lands, Adjoining to Some Town in the County of Hampshire, and Return a plat thereof to this Court Within twelve Months for Confirmation to him his heirs and Assignes for ever. [*Passed December 5.*]



## CHAPTER 131.

ORDER ALLOWING BENJ<sup>A</sup> NUMPASH & OTHERS TO SELL LAND.

A PETITION of Benjamin Numpash, Philip Cololoon & Betty Boson, Indians of little Compton heirs at Law of Samuel Pancacuk of the same place Indian deced, Praying Liberty to sell a Tract of Land Containing about ten Acres lying in Little Compton, which is descended to them from the said Pancacuk for as much as it is of little Advantage to them, lying Inclosed by lands of the English

Legislative  
Records of the  
Council, xvi.,  
223.

House Jour-  
nal, pp. 121, 131.  
Province  
Laws, ii., 151,  
chap. 10.

Read and in Answer to this Petition,

*Ordered* that the heirs of the said Samuel Pancacuk be and hereby are fully Authorized and Impowred to make Sale of the Remaining half of his lands in Little Compton within mentioned, for the Most the same will fetch, and pass and Execute Good and Suff<sup>t</sup> Deed or Deeds of Sale and Conveyance of the same in due form of Law; and Job Almy & Thomas Church Esq<sup>rs</sup> are hereby desired and impowred to see Justice done the Indians in the Sale of the said lands, and in proceeding therein to Observe the Rules & directions in the Act or Law of this Province of the Sixth Year of his late Majesty King George the first Chap. III<sup>d</sup> Relating to the Sale of Real Estates; and the said Job Almy & Thomas Church Esq<sup>rs</sup> are hereby further Impowred and directed to pay and deliver out the proceeds of the Sale of the said Lands for the Comfortable Relief and Support of the said heirs of the said Samuel Pancacuk as their Occasions may demand or Call for in a prudent Manner, Rendring an Account of their proceedings herein to this Court. [*Passed December 5.*]

## CHAPTER 132.

VOTE GRANTING A TOWNSHIP, WITH CONDITIONS, TO EBEN<sup>R</sup> HUNT & OTHERS CANADA SOLDIERS.

A PETITION of Ebenezer Hunt & Others who were Officers & Soldiers (or their Descendants) in the Expedition Against Canada under the Command of Cap<sup>t</sup> Ephraim Hunt deced in the Year 1690, Praying for a Grant of land for a Township in consideration of their hardships & Sufferings in the said Expedition

Legislative  
Records of the  
Council, xvi.,  
223.

House Jour-  
nal, pp. 107, 123,  
190. Province  
Laws, iv., 863.

Read and in Answer to this Petition,

*Voted* That the prayer thereof be Granted and that [Mr. Speaker Quincy, Mr. Adam Cushing]<sup>1</sup> together with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup>, at the Charge of the Government, to lay out a Township of the Contents of Six Miles Square, in Some Suitable place Westward of Deerfield in the County of Hampshire, and that they Return a plat thereof to this Court within twelve Months for Confirmation; And for the More Effectual bringing forward the Settlement of the said Newtown

*Ordered* that the said Town be laid out into Sixty three Equal Shares, One of which to be for the first Settled Minister, One for the Ministry, and one for the School, and that on each of the other Sixty Shares the pet<sup>rs</sup> do within three Years from the Confirmation of the plan have Settled one good family who shall have a house Built on the Homlott of Eighteen feet Square and Seven feet Stud at the least and finished, that

<sup>1</sup> Inserted from House Journal, p. 190.



each Right or Grant have Six Acres of Land brought to and plowed or brought to English Grass or fitted for mowing, that they Settle a Learned Orthodox Minister and build and finish a Convenient Meeting house for the Publick Worship of God and that each Settler give Bond to the Province Treasurer of twenty pounds for fulfilling the Conditions of this Grant; provided that in Case any of the Lotts are not duly Settled in all Regards as aforesaid; then such Lott with the Rights thereof to Revert to and be at the disposition of the Province. [*Passed December 5.*]

## CHAPTER 133.

ORDER ALLOWING £18. 8 TO MARY BARNSDALE ADMINISTRATRIX.

Legislative  
Records of the  
Council, xvi.,  
226.

House Jour-  
nal, p. 135.

A PETITION of Mary Barnsdale, Widow & Adm<sup>x</sup> of William Barnsdale deced late Master Gunner of Castle William, Praying to be Allowed the sum of Eighteen pounds Eight Shillings, which he expended in his life-time In providing new Cask for the Gunpowder there, Trimming the Cask &c

Read &

*Ordered* that the sum of Eighteen pounds Eight Shillings be Granted and paid out of the Publick Treasury to the pet<sup>r</sup> Mary Barnsdale Adm<sup>x</sup> as aforesaid, in full Satisfaction for her husbands Charge and Care about the powder above mentioned. [*Passed December 9.*]

## CHAPTER 134.

ORDER OF NOTICE ON JANE NAHOMANS PETITION TO HAVE A DEED OF CONVEYANCE ANNULLED.

Legislative  
Records of the  
Council, xvi.,  
226.

House Jour-  
nal, p. 134.

A PETITION of Jane Nahoman of Chilmark in Dukes County Indian Woman, Complaining Against her son in law Simon Coomes, John Allen Esq<sup>r</sup> & one Temple Philip Cooke, of said place for imposing on her when in Drink, and getting of her to Execute An Instrument for Conveying away her lands to the said Coomes, Contrary to her Mind when she was Sober, & in the Exercise of her Reason; praying that she may be allowed a hearing upon this Matter, & to take Evidence for the proof of this Complaint

Read &

*Ordered* That the pet<sup>r</sup> be & hereby is Allowed & Impowred to Swear the Evidence, to Support the Matters of Complaint within Suggested, before Some [one]<sup>1</sup> or more of his Majestys Justices of the peace for the County of Dukes County, he or they Seasonably Notifying the partys that may be Affected thereby of the Caption; And that John Allen Esq<sup>r</sup> the Justice before Whom the Acknowledgment of the Instrument of Conveyance was taken, as well as Temple Philip Cooke the Scribe who Wrote the Same be & hereby are Required & directed to make Answer to the Matters of Greivance herein written, Occasioned by them, on the first Tuesday of the next May Session And the pet<sup>r</sup> is directed to notify & Serve them with a Copy of this petition & order And The petition is Referr'd to the Same time Accordingly for further consideration.<sup>2</sup> [*Passed December 9.*]

<sup>1</sup> Inserted from the House Journal, p. 134.

<sup>2</sup> At the hearing June 2, 1736, House Journal, pp. 18, 19, this petition was dismissed.

## CHAPTER 135.

## ORDER OF NOTICE ON ANN BURNALLS PETITION FOR LEAVE TO APPEAL FROM A DECREE.

A PETITION of Ann Burnal of Boston Widow, Shewing that a Writing Exhibited as the last will and Testament of Sarah Burnall her daughter Was in the Year 1734 proved and Allowed as Such by the Judge of Probate for the County of Suffolk, Altho she made Many Material Exceptions to the Witnesses and their Evidences, that the pet<sup>r</sup> being Ignorant of the Law elapsed the time limited by Law for appeals to the Govern<sup>r</sup> and Council; And therefore praying She may by the Authority of this Court be impowred to bring forward her appeal from the Sentence of the Judge of the Probate in Allowing the said Will:

Legislative  
Records of the  
Council, xvi.,  
227.

House Jour-  
nal, p. 134.

Read &

*Ordered* that the pet<sup>r</sup> Serve Samuel Burnal with a Copy of this petition, that so he may Make Answer thereto if he see Cause on tuesday the Sixteenth Curr<sup>t</sup>.<sup>1</sup> [*Passed December 9.*]

## CHAPTER 136.

ORDER OF NOTICE ON RICH<sup>d</sup> & HAN<sup>a</sup> WILLARDS PETITION PRAYING RELIEF FROM A JUDGMENT.

A PETITION of Richard & Hannah Willard Minors, being Children & heirs of Richard Willard late of Salem deced, Shewing that their said Father Mortgaged One half of his house & land to Thomas Ellis of Salem Mariner for the sum of Sixty pounds who Sued out the said Mortgage in September 1731 & got possession of the premes and before the three Years Allowed for Redemption was Expired the pet<sup>rs</sup> Mother made a Tender of the money due upon the said Mortgage with Costs to the said Ellis, who Refused to Accept thereof and Discharge the Mortgage; Whereupon the pet<sup>rs</sup> brought their Action in Equity for Redemption; in which their writ was abated, and afterwards brought their Suit anew to the Inferiour Court held at Newbury in September last, where their Action was barr'd, because Commenced after the Expiration of the Term allowed for the Equity of Redemption, and Judgment was Confirmed by the Superiour Court for the said County, held in October last; praying for Relief from this Court and that the Execution for Costs may be Stayed in the mean time

Legislative  
Records of the  
Council, xvi.,  
227.

House Jour-  
nal, p. 137.

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Adverse party Thomas Ellis, with a Copy of this petition, that he shew Cause if any he have, on Wednesday the Seventeenth Currant why the prayer thereof should not be Granted. [*Passed December 10.*]

<sup>1</sup> At the hearing January 16, 1735, House Journal, p. 232, this petition was dismissed.

## CHAPTER 137.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO RICH<sup>d</sup> CUTT ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xvi.,  
228. Maps and  
Plans, Mis.,  
ix., 28.

Maps and  
Plans, Mis.,  
ix., 28 *his*.  
House Jour-  
nal, p. 135.  
*Ante*, p. 77,  
chap. 155.

A PLAT of two hundred Acres of Land Surveyed by John Ashley & two Chain men on Oath, to fulfill a Grant made by the General Court to Richard Cutt Esq<sup>r</sup> lying on Housatonoek Road, at a place Called twelve Mile pond, bounded Northerly on said Pond, beginning at a Black Birch tree marked, being the North east Corner the South 50 deg East two hundred Rods to a hemlock tree Mark'd, Standing near the South West Corner of the said pond, thence Runing West 50 deg. South One hundred & Sixty Rods to a Beach tree Marked Standing near a great Rock, thence Runing North fifty degrees West to a Beach-tree marked, thence Runing East 50 deg. North One hundred & Sixty Rods to the place where it began

Read and

*Ordered* That the plat be accepted and the Lands within delineated and described be & hereby are confirmed to the said Richard Cutt Esq<sup>r</sup> his heirs & assigns for ever provided the plat exceeds not the quantity of two hundred Acres of Land, and does not interfere with any former Grant. [*Passed December 10.*]

## CHAPTER 138.

ORDER OF NOTICE ON THO<sup>s</sup> SCOLFIELDS PETITION FOR RE-TRIAL OF AN ACTION AND STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
228.

House Jour-  
nal, p. 137.

A PETITION of Thomas Scolfield of North yarmouth, Shewing that he was Sued in an Action of Trespass at the Inferiour Court held in York in October last by William Dudley Esq<sup>r</sup> & others a Com<sup>tee</sup> for said place, and that he being at Boston and Depending on a passage by Water was detained by bad Weather, by which means the Action went Against him by Default; And therefore praying for Liberty to have a Trial thereof at the next Inferiour Court for the County of York to be held in January next. Read &

*Ordered* that the Prayer of the Petition be Granted and the pet<sup>r</sup> is hereby Allowed & Admitted to hav a Trial of the Action within Mentioned, at the next Inferiour Court of Common pleas to be holden at York for the County of York, the Default aforesaid Notwithstanding; And Execution on the Judgment is hereby absolutly & finally Stayed except for Costs And the Justices of the said Court are hereby im-  
powred & directed to hear & try the said Action a New, as tho no Such default had been made, enter up Judgment and award Execu-  
tion; and that the pet<sup>r</sup> Seasonably Notify the said William Dudley and the other plan<sup>ts</sup> in the original Action, [( )]<sup>1</sup> who have nothing to Object as is Represented to this Court Against the prayer of the pet<sup>n</sup>) hereof by Serving them with a Copy of the petition & Order. [*Passed Decem-  
ber 10.*]

<sup>1</sup> Inserted from State Library copy, Legislative Records of the Council, xvi., 229.

## CHAPTER 139.

ORDER APPOINTING A COMMITTEE TO INSPECT REPAIRS MADE AT  
THE LIGHT HOUSE ON BEACON ISLAND.

A MEMORIAL and Report of William Dudley, Esq<sup>r</sup> & others a Com<sup>tee</sup> for Repairing the Light house &c, Shewing that they, Agreeable to the Order of the Court have Repaired & Secured the Light house on Beacon Island Repaired & Enlarged the Dwelling house, and built a New Wharff & Repaired the old one, So as to make a Sufficient Dock for Securing the Boats in Bad weather, and proposing that a Com<sup>tee</sup> of the Court be Appointed to View the said Works, and Report whether they Judge any thing further Needfull for perfecting the Same

Legislative  
Records of the  
Council, xvi.,  
230.

House Jour-  
nal, p. 141.  
*Ante*, p. 42,  
chap. 88.

In the House of Represent<sup>s</sup> Read &

*Ordered* that Richard Saltonstal Esq<sup>r</sup> M<sup>r</sup> Hutchins Cap<sup>t</sup> Stevens Cap<sup>t</sup> Hobson M<sup>r</sup> Parker Col<sup>o</sup> Alden & M<sup>r</sup> Pierson with such as shall be Joined by the Hon<sup>ble</sup> Board, be a Com<sup>tee</sup> to Repair to Bacon Island Carefully View the said Works & Inspect the Repairs latly made there at the Light-house Dwelling house & Wharff within mentioned, & Report the present Circumstances the same Appear to them to be Under.

In Council Read & Concurr'd & Samuel Thaxter John Turner and John Jeffries Esq<sup>rs</sup> are Joined in the affair. [*Passed December 12.*]

## CHAPTER 140.

VOTE APPOINTING A COMMITTEE FOR BURNING TORN & DEFACED  
BILLS.

In the House of Represent<sup>a</sup>

*Voted* that M<sup>r</sup> Speaker, Elisha Cooke Esq<sup>r</sup> M<sup>r</sup> Thomas Cushing, Col<sup>o</sup> Wainwright, Col<sup>o</sup> Chandler, Cap<sup>t</sup> Choat, M<sup>r</sup> Prout Maj<sup>r</sup> Brattle, M<sup>r</sup> Thatcher, Col<sup>o</sup> Gerrish, Col<sup>o</sup> Alden, M<sup>r</sup> Prescott, Maj<sup>r</sup> Pomroy & Cap<sup>t</sup> Williams, with such as the Hon<sup>ble</sup> Board shall Appoint be a Com<sup>tee</sup> to Receive of Jeremiah Allen Esq<sup>r</sup> Treasurer & Receiver General of his Majestys Province of the Massachusetts Bay such Publick Bills of Credit on the Province as are Torn & Defaced or Rendred Unfit for further Service & on Receipt thereof to Cause the Same to be Consumed to Ashes and give the Treasurer a Receipt therefor, the Com<sup>tee</sup> to make Report of their doings herein

Legislative  
Records of the  
Council, xvi.,  
230.

House Jour-  
nal, p. 145.

In Council Read & Concurr'd And Francis Foxcroft John Jeffries & Edward Goddard Esq<sup>rs</sup> are Joined in the Affair. [*Passed December 13.*]

## CHAPTER 141.

ORDER OF NOTICE ON TAUNTON PETITION FOR ANNEXATION OF  
NATHANIEL WILLIAMS LAND.

A PETITION of the Selectmen of the Town of Taunton, Setting forth that the Act for Constituting the Town of Raynham Reserves all the Farm of Nath<sup>l</sup> Williams to the Town of Taunton, as the pet<sup>rs</sup> Apprehend, and they have Taxed him Accordingly, Notwithstanding which the Selectmen of Raynham have Taxed him for Some part of his Land,

Legislative  
Records of the  
Council, xvi.,  
231.

House Jour-  
nal, p. 146.  
Province

Laws, ii., 590,  
chap. 14.

Supposing That the Act Sett that off to Raynham. And for as much as the two Towns do variously Construe the said Act, which puts a great hardship on the said Williams; Therefore praying for an Explanation thereof by Declaring that the Whole of said Williams Land is to be Understood to lye within the Town of Taunton

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Town of Raynham with a Copy of the petition, that they Shew Cause if any they have, on Wednesday the twenty forth Instant, why the prayer thereof should not be Granted. [*Passed December 13.*]

## CHAPTER 142.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO JOS. CLESSON.

Legislative  
Records of the  
Council, xvi.,  
231. Maps and  
Plans, Mis.,  
ix., 25.

Maps and  
Plans, Mis.,  
ix., 25 *bis*.  
House Jour-  
nal, p. 33  
(June, 1734);  
p. 143. *Ante*,  
p. 29, chap. 34.

A PLAT of three hundred Acres of land, to fulfill a Grant made by this Court in the Year 1734, to Joseph Clesson, laid out by Nathanael Kellog Survey<sup>r</sup> & two Chain men on Oath, begining at a White pine tree which Stands in the South bounds of Northfield, with a heap of Stones Round it, being the Northeast Corner; thence Runing South 7° 30 East, One hundred & twenty Seven Rods, to a Chesnutt tree; thence thirty three Rods on the Same Course, to a popple tree, being the South east Corner; all three trees being Marked with the Letters **F C O.** From the said Popple tree Runing West 7. 30 South, two hundred & fourteen Rods to a large heap of Stones, and on the Same Course; Eighty Six Rods further to a Stake & heap of Stones, being the South West Corner; thence North 7° 30' West One hundred & Sixty Rods, to a Stake and Stones for the North West Corner, Standing in the South bounds of Northfield; thence East 7° 30<sup>d</sup> North, three hundred Rods to where it began

Read and

*Ordered* That the plat be Acepted and the Lands therein delineated & described be and hereby are confirmed to the said Joseph Clesson his heirs and assigns for Ever provided the plat exceeds not the quantity of three hundred Acres of Land and does not interfere with any former Grant. [*Passed December 13.*]

## CHAPTER 143.

ORDER IMPOWERING THE ASSESSORS OF TOWNSHEND TO LEVY AND COLLECT A TAX ON LANDS.

Legislative  
Records of the  
Council, xvi.,  
232.

House Jour-  
nal, p. 147.

A PETITION of John Stevens in behalf of the Town of Townshend Setting forth their Great difficultys in Raising money for Building their Meeting house & Settling & Supporting their Minister And praying that they may be Impowred to assess and Levy a Tax of two pence *p* Acre for One Year and One penny *p* acre for two Years on all the Unimproved lands in said Town for Building of a Meeting house and Settling and Supporting a Minister there

Read &

*Ordered* that the prayer of the petition be Granted and the Assessors of the said Town of Townshend for the time being for the said three Years be and hereby are fully Authorized and Impowred to levy & assess a Tax of two pence *p* Acre on all Unimproved lands belong-



ing to Nonresident Proprietors for One Year next coming and a further Tax of One penny p Acre for two Years next coming after to be Applied for the Use of the Ministry as well in Support of the Minister as in building & finishing a Meeting house And the Constables or Collectors of said Town for the time being during said Term are hereby Required and directed to Collect and pay in the same According to the precept of the Warrants they shall Respectively Receive for the said use and the said Lands are Subjected to the payment of the said Tax. [*Passed December 15.*]

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## CHAPTER 144.

### ORDER IMPOWERING THE PROPRIETERS OF NARRAGANSETT TOWN NO. 4 TO EXCHANGE LAND.

A PETITION of John Foster & Edward Shove in behalf of the Grantees of the Tract of Land Granted to the Narragansett Soldiers, which lies at Ameskeeg on the West side of Merrimack River Shewing, that upon their Viewing the said Land, in Order to their laying it out into Lotts, they found it so poor & barren, as to be Altogether Uncapable of making Settlements; and therefore praying that they may have Liberty to quit it & take up the said Grant in Some other province land.

Legislative  
Records of the  
Council, xvi.,  
232.

House Jour-  
nal, p. 141.  
Province  
Laws, xi., 785,  
chap. 193.

Read &

*Ordered* that the prayer of the petition be Granted, & the pet<sup>rs</sup> are hereby Allowed & impowred to look out for one Other Tract of land for a Township, & Exchange for the s<sup>d</sup> Township Number four, & Return a plat thereof at their own Cost to this Court within twelve Months for Confirmation. [*Passed December 16.*]

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## CHAPTER 145.

### ORDER ALLOWING £32. 6 TO THE TOWN OF KINGSTON.

A PETITION of Gershom Bradford Agent<sup>1</sup> Shewing That the said Town is Taxed far beyond their proportion which they Apprehend to be thro' this Mistake, that the Court in looking into their Tax for the Year 1734 Reckoned in their fine for not Sending a Represent<sup>a</sup> & proportioned this Years Tax Accordingly

Legislative  
Records of the  
Council, xvi.,  
232.

Province  
Laws, ii., 726,  
chap. 13; 732;  
771, chap. 13;  
777. House  
Journal,  
pp. 136, 143.

And therefore praying that the said Mistake may be Rectified and that they may be abated Such Sum, as it may Appear they were over Taxed as aforesaid

Read &

*Ordered* that forasmuch as the Facts herein Suggested are truly Represented, the Sum of Thirty two pounds and Six pence be Granted & paid out of the publick Treasury to the Order & for the use of the Town of Kingston being so much that Town was Charged by mistake in the last Tax more than the Court Intended. [*Passed December 16.*]

<sup>1</sup> The House Journal, p. 136, reads, "for and in behalf of the Town of *Kingston* in the County of *Plymouth*."

## CHAPTER 146.

VOTE GRANTING TO ROW<sup>d</sup> HOUGHTON THE SOLE PRIVILEGE OF MAKING AND SELLING A THEODOLITE.

Legislative  
Records of the  
Council, xvi.,  
233.

House Jour-  
nal, pp. 110, 147.  
Province  
Laws, ii., 788,  
chap. 22.

A PETITION of Rowland Houghton, Shewing that he hath with great pains & Expences projected a New kind of Theodelite for the Surveying & measuring of Land, by the use whereof Surveying is Rendred more Easy and Expeditious, & less Expensive; which projection will be of general benefit to the Province; And therefore praying that the Court would Grant him a patent for the Sole Making & vending the said Instrument, for such Term of Years as this Court shall Judge proper. Read &

*Voted* that the prayer of the petition be Granted, and the Pet<sup>r</sup> is Accordingly Allowed & Impowred to bring in a Bill Entitling him his heirs & assignes to the Sole making & Vending the said Instrument or Theodelite in this Province, for the Space of ten Years from the publication of the Act, & for prohibiting all persons whomsoever within the Government from making or Vending the Same during Said Term. [*Passed December 16.*]

## CHAPTER 147.

## ORDER OF NOTICE ON WM VIRGIN'S PETITION FOR LEAVE TO REVIEW AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
233.

House Jour-  
nal, pp. 149, 150.

A PETITION of William Virgin of Brook field, in the County of Worcester Shewing that one Daniel Bemus of Mortlake in the Colony of Connecticut, took the Advantage of the Pet<sup>rs</sup> Journey to Jersey on his Necessary Affairs, & Attached his Land for a pretended Debt, and brought his Action to the Inferiour Court for Said County in Feby last, where the Action went against the pet<sup>r</sup> by Default, by Reason of his Absence; And therefore praying that he may be Allowed to bring his Writ of Review of the said Action at the next Inf<sup>r</sup> Court of Common pleas for said County and have a Trial thereof by a Jury

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adverse party Daniel Bemis, with a Copy of the petition, that he Shew Cause on the first Tuesday of the next Sitting of the Court, Why the prayer thereof Should not be Granted; And the petition is Referr'd in the mean time for consideration. [*Passed December 16.*]

## CHAPTER 148.

VOTE FOR ADJOURN<sup>g</sup> ESSEX COUNTY COURTS.

Legislative  
Records of the  
Council, xvi.,  
234.

House Jour-  
nal, p. 153.  
Province  
Laws, i., 369,  
chap. 2.

WHEREAS the Court of General Sessions of the peace, and Inferiour Court of Common pleas are by Law to be held at Salem in and for the County of Essex, on the last Tuesday of this Instant December. And many of the Justice's and Others Concerned are Members of the General Court now Sitting, and which may Continue to that time

*Voted* That the Justices of the said Courts be & hereby are desired to Adjourn the same till the third Tuesday in January next. [*Passed December 18.*]

## CHAPTER 149.

ORDER CONFIRMING A PLAT OF 800 ACRES OF LAND TO COL<sup>O</sup> THAXTER  
TURNER & DUDLEY.

A PLAT of Eight hundred Acres of land laid out by Jonas Houghton Survey<sup>r</sup> and two Chainmen on Oath in part to Satisfy a Grant made by this Court in the Year 1734,<sup>1</sup> to Samuel Thaxter John Turner & William Dudley Esq<sup>rs</sup> of Twelve hundred Acres, the said Land lying in the County of Worcester bounded Northerly on the Township Granted to Salem Westerly on the Equivalent, and on the Other two Sides on Country Lands

Read &

*Ordered* that the plat be Accepted and the Lands therein delineated & described be & hereby are confirmed to the said Samuel Thaxter John Turner & William Dudley Esq<sup>rs</sup> their heirs & Assigns respectively for ever, in part Satisfaction of twelve hundred Acres of Land granted by this Court to the Grantees above named in March 1733, provided the plat exceeds not the quantity of Eight hundred Acres of Land and does not interfere with any former Grant. [*Passed December 19.*]

Legislative  
Records of the  
Council, xvi.,  
235. Maps and  
Plans, Mis.,  
x., 2.

Maps and  
Plans, Mis.,  
x., 2 *ter*.  
House Jour-  
nal, p. 155.  
Province  
Laws, xi., 788,  
chap. 200.

## CHAPTER 150.

VOTE GRANTING TO THAXTER TURNER AND DUDLEY FURTHER TIME  
TO LAY OUT 400 ACRES OF LAND.

*Voted* That twelve Months more be Allowed to Samuel Thaxter John Turner & W<sup>m</sup> Dudley Esq<sup>rs</sup> to Return a plat of four hundred Acres of land, being the Residue & Remaining part of a Grant of twelve hundred Acres made them in March 1733. [*Passed December 19.*]

Legislative  
Records of the  
Council, xvi.,  
235.

House Jour-  
nal, p. 155.  
*Ante*, p. 62,  
chap. 123.

## CHAPTER 151.

ORDER CONFIRMING TO THOMAS WELLS AND OTHERS A PLAT OF A  
TOWNSHIP.

A PLAT of a Township<sup>2</sup> of Six Miles Square Granted by this Court to Thom<sup>s</sup> Wells Esq<sup>r</sup> William Richardson & others, Surveyed by Jonas Houghton Survey<sup>r</sup> and Chain men on Oath; bounding Westerly on the Towns of Hadley & Sunderland, South on the Equivalent lands, East on the Township laid out for Salem & North Upon Unappropriated Lands; begining at the West Branch of Swift River, & Runing by the Needle West Sixteen hundred & Sixty perch with the Allowance of One perch in Thirty, then north along said line to Sunderland South line; thence East five hundred & Ninety perch, to Sunderland South east Corner; thence North 17 Deg East Eight Miles & Eighty perch; thence East 18 Deg. South One Thousand & fifty five perch then South 10 deg West Nineteen hundred & Eighty perch to a Stake & Stones; thence West 10 Deg North Three hundred and forty Six perch to a black Birch standing by the Side of Said West Branch and then down Said Branch to where it began

Read and

Legislative  
Records of the  
Council, xvi.,  
235. Maps and  
Plans, Mis.,  
ix., 13.

Maps and  
Plans, Mis.,  
ix., 13 *bis*.  
House Jour-  
nal, pp. 154, 155.  
*Ante*, p. 104,  
chap. 228.

<sup>1</sup> March 1, 1733. Province Laws, xi., 788, chap. 200.

<sup>2</sup> The town was afterwards called Shutesbury.

*Ordered* that the plat be Accepted and the Lands therein delineated and described be &<sup>1</sup> hereby are confirmed to the said Thomas Wells Esq<sup>r</sup> William Richardson & the other Grantees mentioned in the Grant on their petition passed this Court in April last their Heirs & assigns respectively, exclusive of the Grant of Five hundred Acres made to His Excellency JONATHAN BELCHER Esq<sup>r</sup> Cap<sup>t</sup> General & Governour in Chief &c provided the plat (exclusive of said Grant to His Excellency) exceeds not the quantity of six miles square of Land, and does not interfere with any former Grant, and also that the Grantees fully comply with the respective Conditions of the Grant. [*Passed December 19.*]

## CHAPTER 152.

### ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO SALEM INHAB<sup>TS</sup>.

Legislative  
Records of the  
Council, xvi.,  
236. Maps and  
Plans, Mss.,  
ix., 12.

Maps and  
Plans, Mss.,  
ix., 12 *his*.  
House Jour-  
nal, p. 153.  
*Ante*, p. 90,  
chap. 191.

A PLAT of a Township<sup>2</sup> of the Contents of Six Miles Square, Granted by this Court to the Town of Salem laid out by Jonas Houghton Survey<sup>r</sup> & Chain men on Oath, Bounded Westerly on the Township laid out to Thomas Wells Esq<sup>r</sup> & others, Northerly on Unappropriated Lands, and Paquoig Township; Easterly on Paquoig & on lands Granted to Newton, and on the Voluntiers Town, & South on the Unappropriated lands and Equivalent Lands; begining at the West Branch of Swift River, and Runing by the Needle East fourteen hundred & twenty perch, with Allowance of One Chain in Thirty then North Nine hundred & fifty one perch, to the South West Corner of Voluntier Township; Thence East 35 deg. North fourteen hundred & twenty five perch; then North three hundred & Seventy perch, to the Southerly part of Paquoig Township; thence West three hundred and Sixty perch, to a pine tree Standing on the South westerly Corner of Paquoig Township; thence North three hundred and Forty Nine perch; then West 4 deg South fifteen hundred & twelve perch to the aforesaid Township; Granted to Thomas Wells Esq<sup>r</sup> &c then South 10 deg. West, Sixteen hundred & fifty Seven perch to a Stake and heap of Stones; thence West three hundred and forty Six perch to a Black Birch tree marked Standing on the East bank of the West Branch of Swift River & thence to the first boundary.

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described be & hereby are confirmed to the Grantees Admitted into the said township by the Committee of this Court for that purpose Appointed their heirs & Assigns respectively provided the plat exceeds not the quantity of Six miles square of Land and does not interfere with any former Grant, & that the Grantees fully comply with the Conditions of the Grant. [*Passed December 19.*]

## CHAPTER 153.

### ORDER CONFIRMING A PLAT OF 1,355 ACRES OF LAND TO SAM<sup>L</sup> KENDALL & OTHERS.

Legislative  
Records of the  
Council, xvi.,

A PLAT of thirteen hundred Acres of Land, Granted unto Samuel Kendall John Wallis, Shardreek Whitney, Samnel Blood, Eleazer Flagg,

<sup>1</sup> MS. illegible; supplied from the State Library copy, Legislative Records of the Council, xvi., 236.

<sup>2</sup> The town was afterwards called New Salem.

Benj<sup>a</sup> Barron, Eben<sup>r</sup> Wyman, Eph<sup>m</sup> Brown, Benj<sup>a</sup> Taylor, Joseph Baldwin, Jacob Baldwin, & William Johnson, Grantees of Townshend, laid out by David Farrer & Chain men On Oath, lying South of Arlington so Called, beginning at a Stake in the South line of Arlington, & Running South 12 deg West four hundred & Sixty Rods to a Red Oak marked, then South 45 deg East four hundred & Sixty Rods to a Red Oak Marked; then South 45 degrees East, to a hemlock One hundred Rods; thence South 5 deg West One hundred & Eighty Seven Rods; then West three hundred & twenty Rods, then North Six hundred & Ninety Rods to a heap of Stones to the place where it began

Read and

*Ordered* That the plat be accepted & the Lands therein delineated & described be & hereby are confirmed to the said samuel Kendall & John Wallis and the other petitioners mentioned in their petition passed this Court in April last their Heirs and Assigns respectively, provided the plat exceeds not the quantity of thirteen hundred and fifty five Acres (five Acres being Allowed for the steepness of a part of Mount Grace) and does not interfere with any former Grant. [*Passed December 20.*]

237. Maps and Plans, Mis., ix., 20.

Maps and Plans, Mis., ix., 20 *quarter*. House Journal, p. 155. *Ante*, p. 113, chap. 247.

## CHAPTER 154.

ORDER FOR A MEETING OF THE PROPRIETORS OF SALEM NEW TOWN.

*Voted* that the Pet<sup>rs</sup> or Grantees Admitted into the Grant made to the Inhabitants of Salem,<sup>1</sup> of the Contents of Six Miles Square, shall & may upon their drawing the Home lots Assemble & Chuse a Moderator & Proprietors Clerk & Agree Upon methods & Acts for the benefit of bring<sup>g</sup> forward the Settlement of their Grant, and also how their futnre meetings shall be Called, And Daniel Epes Esq<sup>r</sup> is fully Authorized and Impowred to Call the first meeting of the Grantees in Some Convenient place in Salem, as soon as may be for the purpose aforesaid. [*Passed December 20.*]

Legislative Records of the Council, xvi., 237.

House Journal, p. 154. *Ante*, p. 190, chap. 152.

## CHAPTER 155.

ORDER ALLOWING THE TOWN OF LITTLETON £18. 7. 6.

A PETITION of Caleb Taylor Represent<sup>a</sup> of the Town of Littleton Setting forth the poverty of the people in the said Town, and the Smallness of their Number, and that they Apprehended they were not Obligated by Law to Send a Represent<sup>a</sup> to the General Court and therefore praying that the fine laid on the said Town the last year for not Sending One may be Remitted

Read &

*Ordered* that the prayer of the petition be Granted, and the Sum of Eighteen pounds Seven shillings and Sixpence be and hereby is Granted and Allowed to be paid out of the publick Treasury to the Order of the Town of Littleton, to Reimburse them the like Sum they paid as a Fine for not Sending a Represent<sup>a</sup> last year. [*Passed December 20.*]

Legislative Records of the Council, xvi., 237.

House Journal, p. 149. Province Laws, ii., 726, chap. 13; 730.

<sup>1</sup> The town became New Salem.



## CHAPTER 156.

ORDER CONFIRMING A PLAT OF 250 ACRES OF LAND TO SAM<sup>L</sup> KNEELAND.

Legislative  
Records of the  
Council, xvi.,  
238. Maps and  
Plans, Mis.,  
x., 5.

Maps and  
Plans, Mis.,  
x., 5 *ter*.  
House Jour-  
nal, p. 154.  
*Ante*, p. 102,  
chap. 223.

A PLAT of two hundred and fifty Acres of land, laid out by Jonas Houghton Survey<sup>r</sup> & Chainmen on Oath, to fulfill a Grant made by this Court to Samuel Kneeland, bounded Northwesterly on the Narragansett Township Number two, and on Wachuset pond, and every way else on Unappropriated lands; begining at a heap of Stones on the bottom of a Rocky hill, and Runing South 28 deg. East, two hundred & twenty Rods; then West 30 deg. South, two hundred & two Rods; then North 31. deg West, two hundred & fifteen Rods, to the line of said Narragansett Township Number two; and then by the said line to the Pond where it began

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described be & hereby are confirmed to the said samuel Kneeland his Heirs & Assigns provided the plat exceeds not the quantity of two hundred and fifty Acres of Land and does not interfere with any former Grant. [*Passed December 20.*]

## CHAPTER 157.

ORDER REFERRING NATH<sup>L</sup> SALTONSTALLS PETITION WITH BOND AND STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
239.

House Jour-  
nal, p. 164.  
*Ante*, p. 166,  
chap. 93.

ON THE PETITION of Nathan<sup>L</sup> Saltonstall & Order thereon [*ante*, p. 166, chap. 93]

Read And for as much as Henry Stokes is yet out of the Province,

*Ordered* that the Consideration of this petition be further Referr'd to the Session of this Court in May next, and that upon the Pet<sup>rs</sup> giving Bond of the Nature abovesaid the Execution within mentioned, be Staid in the Meantime. [*Passed December 22.*]

## CHAPTER 158.

## ORDER ALLOWING £6. 10 TO JABEZ BRADBURY.

Legislative  
Records of the  
Council, xvi.,  
239.

Executive  
Records of the  
Council, x., 4.  
House Jour-  
nal, p. 145.

A PETITION of Jabez Bradbury, Praying for an order of the Treasury for the sum of Six pounds ten shillings being the Wages of his Servant Thomas Fisk from April 17 to July 1732 at Richmond Fort his name being Cassually left out of the Muster Roll as Appears by the Certificate of the then Command<sup>r</sup> of the said Fort

Read &

*Ordered* that the prayer of the petition be Granted, and the Sum of Six pounds ten shillings be Granted and paid out of the publick Treasury to the said Jabez Bradbury, for so much due for the wages of the said Thomas Fisk his Servant omitted in the within mentioned Muster Roll. [*Passed \* December 22.*]

## CHAPTER 159.

## ORDER IMPOWERING SARAH GORE TO JOIN IN A SALE OF LAND.

A PETITION of Sarah Gore Widow of Obediah Gore late of Boston deced, (for herself & her two Youngest Children, John & Katharine Gore) Elizabeth Gore Daniel Bell & miriam his wife & Sarah Gore, Children of the said Obediah, Shewing That he dyed Seized of a Lott of Flats Ground of about Forty feet in front at the South end of Boston, Adjoyning to a Lott of land belonging to the Estate of Oliver Noyes Esq<sup>r</sup> deced, which said Lott is Unprofitable to the pet<sup>rs</sup> as it lyes; And therefore praying that the first Named Sarah Gore may be Impowred in behalf of her two Youngest Children to join with the other Pet<sup>rs</sup> in making Sale thereof.

Read &

*Ordered* that the prayer of the petition be Granted and the pet<sup>r</sup> Sarah Gore, as well for herself as for the two Shares or parts of the two Minors John Gore & Katharine Gore, Children of the said Obediah, and in their name and behalf to whom she is Natural Guardian, be and hereby is fully Authorized and Impowred to Join with the Other Pet<sup>rs</sup> Children and heirs of the said Obediah Gore deced in the Sale of the said Lott of Land within mentioned for the Most the same will fetch; And in proceeding in the Sale the Pet<sup>rs</sup> are Required to Observe the Rules and directions of the Law of this Province of the Sixth Year of his late Majesty King George the firsts Reign Chap. the 3<sup>d</sup> Relating to the Sale of Real Estates One third of the proceeds of the Sale to be delivered to the Pet<sup>r</sup> Sarah Reliet Widow of the said Obediah, to have and to hold for Life; Provided she give full Caution to the Judge of Probate of Wills for the County of Suffolk, that the Said third part be well and truly paid by her Executors or admors to the heirs & Representatives of the said Obediah at her decease; Provided also that she give further and full Caution to the Said Judge that the Minors full Share or parts of the said proceeds of the Sale of the premisses be let out at Interest, the profits whereof to be Annually paid & Applied for their use benefit and Support during their Minority and the principal thereof to be paid as they shall Respectively Arrive at Age or be married. [*Passed December 22.*]

Legislative  
Records of the  
Council, xvi.,  
240.

House Jour-  
nal, pp. 159, 160.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 160.

## ORDER OF NOTICE ON JOHN OLDS PETITION FOR LEAVE TO FILE A COMPLAINT.

A PETITION of John Old of Suffield in the County of Hampshire, Shewing that at the Inf<sup>r</sup> Court of Common pleas for said County held in September last, he Recovered Judgment Against Ephraim Hayward of Brookfield for the Sum of £108. 4. 3 & Costs; from which the said Hayward Appealed to the next Superiour Court, but failed of prosecuting his Appeal; and the Pet<sup>r</sup> Employed an Attorney to file his Complaint for Obtaining a Confirmation of the Judgment with Additional Costs, but he thro his hurry of business forgot it; And therefore praying for Liberty to file the Said Complaint at the next Superiour Court for the said County

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adverse party Ephraim Hayward

Legislative  
Records of the  
Council, xvi.,  
241.

House Jour-  
nal, p. 161.

with a Copy of the petition, that he Shew Cause on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be Granted, and the petition is Referr'd to that time for consideration. [*Passed December 22.*]

## CHAPTER 161.

### ORDER IMPOWERING JOSH. WANSQUAM INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
241.

House Jour-  
nal, p. 160,  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Joshua Wansquam of Natick Indian, Shewing that by his Industry he has gotten money with which he has purchased Considerable Lands in said place, but has latly thro' Sickness in his family and other Expences contracted Several Debts; and therefore praying for Liberty to Sell a Lott of Land of thirty Acres Remote from his dwelling for the payment of his just debts

Read &

*Ordered* that the prayer of the petition be Granted, and the pet<sup>r</sup> is Allowed & Impowred to make Sale of a Lott of Land in Natick, for the Most the Same will fetch, giving and Executing a Good deed or Deeds of Sale and Conveyance thereof in due form of Law; And Francis Fullam Esq<sup>r</sup> & M<sup>r</sup> Ebenezer Allen are desired & impowred to Assist the Pet<sup>r</sup> in the Sale of the premisses, and See that he has Justice done him therein, in the procedure Whereof the pet<sup>r</sup> is Required to Observe the Rules & directions of the Law of this Province of the Sixth Year of his late Majesty King George the first Chap 3<sup>d</sup> Relating to the Sale of Real Estates; And the said Francis Fullam Esq<sup>r</sup> & M<sup>r</sup> Ebenezer Allen are hereby Impowred & directed out of the proceeds of the Sale of the premisses to Satisfy the Execution Awarded Against him in the Judgment obtained by Samuel Morris jun<sup>r</sup> within mentioned, & to pay the Doctors Bill & other Charges, contracted in his Sickness; & the Remainder thereof if any there be to be Applied for the Relief & Support of the pet<sup>r</sup> & his family in the most prudent manner as their Occasions may hereafter call for or Require. [*Passed December 22.*]

## CHAPTER 162.

### ORDER ACCEPTING THE COM<sup>tee</sup> REPORT AB<sup>t</sup> THE BEACON ISLAND LIGHTHOUSE REPAIRS.

Legislative  
Records of the  
Council, xvi.,  
242.

House Jour-  
nal, p. 158,  
*Ante*, p. 185,  
chap. 139.

SAMUEL THAXTER Esq<sup>r</sup> from the Com<sup>tee</sup> of both Houses Appointed to View the Lighthouse, gave in the following Report, viz<sup>t</sup>

Decem<sup>r</sup> 13. 1735 Pursuant to the within Order the Committee having Repaired to Beacon Island, & Carefully Viewed the New Wharff and the Repairs of the lighthouse Dwelling house & old Wharff, do Report, That the Lighthouse Dwelling house & wharves are well done, and finished excepting only that some of the Boxes in that part of the old Wharff, which is Relmilt, want filling with Stones that the South side of the said Wharff ought to be better Secured Against the Breakers by a Rolling dam, and that the Dock wants more Clearing: all which is humbly Submitted by Order of the Committee

SAM<sup>L</sup> THAXTER

Read &

*Ordered* that the Report be Accepted and the Committee for Effect-

ing the said Repairs are hereby desired to See that what Remains to be done, as set forth above, be Completed in the best manner as soon as may be. [*Passed December 23.*]

## CHAPTER 163.

### ORDER IMPOWERING ABIEL CHAMBERLIN TO SELL LAND TO PAY DEBTS.

A PETITION of Abiel<sup>1</sup> Chamberlain Widow & Admin<sup>x</sup> of Jacob Chamberlain late of Rumney Marsh deced, Shewing that her said husband purchased of Jonathan Tuthill fifty three Acres of Land in Rumney Marsh aforesaid, Upon which he laid out above three hundred pounds in buildings; which Estate is Subjected to the payment of Five hundred & Sixty pounds to the Children of the said Jonathan the father, and the said Chamberlain was obliged to Support the said Jonathan & his Wife during their lives, & be at the Charge of their funeral, that the pet<sup>rs</sup> husband dyed much in debt other wise; And therefore praying that the Pet<sup>r</sup> may be Impowred to Sell the whole of the said Real Estate, which She has now an opportunity to do under the said Incumbrance for the payment of her husbands debts Outstanding, with part of the produce, and the Rest to be divided According to Law Read & in Answer to this petition

*Ordered* that the Pet<sup>r</sup> Upon her giving bond with Sufficient Suretys to the Judge of Probate for the County of Suffolk for disposing thereof as hereafter mentioned, and Upon Observing the Rules & directions provided in an Act made in the Sixth Year of the Reign of his late Majesty King George the first Chap. 3<sup>d</sup> be and hereby is impowred in her Capacity of Admin<sup>x</sup> to make Sale of the Real Estate of the within mentioned deced mentioned in the petition, & to Execute in due form of Law a Deed thereof to such person as will give Most for the Same; and that such Deed make a Good Title to the purchaser his heirs & assigns forever; the Produce of the Real Estate or so much of it as shall be found Necessary to be Applied and Disposed of for the payment of Such of the Deceased Debts as are now due, & so as may best Secure the payment of what May become due to the heirs of the within Named Jonathan Tuttle Sen<sup>r</sup> at his Wifes decease, and defray the Charge that may arise for the Maintenance & burial of the said Tuttle, & his wife, & the Remainder to be disposed of as follows viz<sup>t</sup> the Improvement or Income of One third part thereof to the pet<sup>r</sup> for the Term of her Natural life, provided She give Bond to the said Judge with Sufficient Suretys that her Executors or admors at her decease shall pay back the principal Sum to the Children of the said deced, or their Legal Represent<sup>a</sup> And the other two thirds to be put into the hands of such Guardian or Guardians as the aforesaid Judge shall Appoint for the Children of the said Deced, and by them put out on Interest for their benefit during their Minority, and the principal to be paid them as they Respectively Arrive at Age or are Married; And the Widows third part at the Expiration of her Term to be divided to and Among the said Children, or such as shall Legally Represent them Agreeable to the Law of the province for the Distribution of the Estates of Intestates, and the Decree of the aforesaid Judge pursuant thereunto. [*Passed December 23.*]

Legislative  
Records of the  
Council, xvi.,  
242.

House Jour-  
nal, pp. 126, 127,  
165. Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> The House Journal, p. 126, reads, "*Abigail.*"

## CHAPTER 164.

## ORDER ANNEXING LAND TO REHOBOTH.

Legislative  
Records of the  
Council, xvi.,  
243. Mass.  
Archives, xlii.,  
488.

Mass.  
Archives, xlii.,  
483–487. House  
Journal, p. 166.  
*Ante*, p. 134,  
chap. 19; p. 153,  
chap. 61.

A PETITION of Charles Church Esq<sup>r</sup> of Bristol and Elisha Johnson of Sutton Shewing that the Gore of land lying between the Towns of Rehoboth Norton Taunton & dighton is Most of it by this Court Granted and Confirmed to his Excellency the Gov<sup>r</sup> and the pet<sup>rs</sup> and those whom they Represent and that the said Tract lies most Commodiously to be Joined to the Town of Rehoboth And therefore praying that by an order of this Court it may be made a part thereof

Read &

*Ordered* that the prayer of the Petition be granted and the Gore of Land within mentioned bounded & Described as within set forth be and hereby is declared &

*Resolved* to be annexed to lye in & Accounted as part of the Town of Rehoboth in the County of Bristol for the future and all the Lands in said Gore with the Inhabitants thereon hereafter shall be subjected to do Duty as well as Entitled to Receive Priviledge equal with any other Inhabitants of said Town of Rehoboth or Lands therein and no other Town in the County of Bristol shall at any time hereafter be allowed to Claim Jurisdiction in and over the said Gore or any part or parcel thereof. [*Passed December 23.*]

## CHAPTER 165.

ORDER OF NOTICE ON THE PETITION OF DAN<sup>L</sup> AXTELL & OTHERS OF BERKLEY ABOUT A MEETING HOUSE.

Legislative  
Records of the  
Council, xvi.,  
243.

House Jour-  
nal, p. 164.

A PETITION of Daniel Axtell & thirty Seven others Inhabitants of the Town of Berkley, Shewing that there are Great divisions Among the Inhabitants with Respect to the place for Settling their Meeting house on; And therefore praying That this Court would Appoint a Com<sup>tee</sup> to View the Town & fix a place for the Meeting house:

Read &

*Ordered* that the Pet<sup>r</sup> Serve the Town of Berkley with a Copy of the petition that they make Answer thereto on the first Thursday of the next Sitting of the Court, Why the prayer thereof Should not be Granted. [*Passed December 23.*]

## CHAPTER 166.

ORDER CONFIRMING A PLAT OF 600 ACRES OF LAND TO THE HEIRS OF M<sup>R</sup> ROLFE.

Legislative  
Records of the  
Council, xvi.,  
242A. Maps  
and Plans,  
Mis., ix., 21.

Maps and  
Plans, Mis.,  
ix., 21 *quater*.  
House Jour-  
nal, pp. 163, 164.  
Province

A PLAT of Six hundred Acres of Land, laid out by Joseph Wilder Esq<sup>r</sup> and Chainmen on Oath, to Satisfy a Grant made by this Court to the heirs of the Rev<sup>d</sup> M<sup>r</sup> Benj<sup>a</sup> Rolfe dec<sup>ed</sup>, lying on the West side of the Town of Lunenburg, and butting Easterly on it, Southerly on the Narragansett Town N<sup>o</sup> 2, West on a farm of 200 Acres, laid out to the heirs of Thomas Star; Northwest on province land, North on a 1,000 Acres laid out to Cambridge; begining at a Stake and Stones at the Letter **A** on Lunenburg line; and from thence Runing with it,



One hundred and twenty<sup>1</sup> Rods South 12 deg West, to the Letter **B** to a Stake and Stones, the Corner of the said Narragansett Township; and from thence with Said Town, West 18 Deg. South four hundred & fourteen Rods to the Letter **C**, to a Stake and Stones; and thence North 18 Deg. West three hundred & thirty Rods to the Letter **D**; to a Stake and Stones; thence East 18<sup>2</sup> deg North two hundred & ten Rods to the Letter **E** the North West Corner of Cambridge Farm; thence with the said Farm to the place first mentioned

Read and

*Ordered!* That the plat be & hereby is Accepted and the Lands therein delineated and described be and hereby are Confirmed to the said Benjamin Rolfe and the other Children and Heirs of the Reverend Mr. Benjamin Rolfe late of Haverhill Clerk deceased their heirs and Assigns respectively for Ever to be distributed to & among the Grantees according [to] the Act of this province of the fourth of William & Mary Cap. 11, Entitled An Act for the Settlement and Distribution of the Estates of Intestates, provided the plat exceeds not the Quantity of Six hundred Acres of Land & does not interfere with any former Grant. [*Passed December 23.*]

Laws, i., 43,  
chap. 14.  
*Ante*, p. 137,  
chap. 28.

## CHAPTER 167.

ORD<sup>D</sup> FOR A MEETING OF Y<sup>R</sup> GRANTEES OF THE TOWN GRANTED TO  
SAM<sup>L</sup> HUNT & OTHERS.

*Ordered* That Thomas Wells Esq<sup>r</sup> be impowered and directed to notify the Grantees of the Tract of Land or Township<sup>3</sup> made by this Court to the Officers and soldiers, that were at the Falls Fight above Deerfield, and to their Descendants, That they appear in Some Town in the County of Hampshire as soon as conveniently may be to chuse a Moderator and Proprietors Clerk and to agree upon effectual Methods for the laying out and fulfilling of their Grant and to call Meetings for the future. [*Passed December 24.*]

Legislative  
Records of the  
Council, xvi.,  
242A. Mass.  
Archives,  
cxiv., 603.  
House Jour-  
nal, p. 169.  
*Ante*, p. 55,  
chap. 111.

## CHAPTER 168.

ORDER ALLOWING THO<sup>S</sup> SMITH ESQ<sup>R</sup> £120 FOR SERVICES AS TRUCK-  
MASTER.

A PETITION of Thomas Smith Esq<sup>r</sup> Truck Master for the Trading house on Saco River, Shewing that his Trouble and Expence in that Service is greater than other Truck Masters in the Eastern parts, And therefore praying that his Salary may be Raised to One hundred & twenty pounds a Year as the Others are

Legislative  
Records of the  
Council, xvi.,  
243A.  
House Jour-  
nal, p. 167.

Read &

*Ordered* that the prayer of the petition be Granted, and the Pet<sup>r</sup> is Accordingly Allowed to Charge for the future after the Rate of One hundred and twenty pounds *p* annum for his Services in managing the Truck Trade on Saco River Accordingly. [*Passed December 24.*]

<sup>1</sup> The surveyor's certificate, in Maps and Plans, says, "one hundred and twenty Six Rods."

<sup>2</sup> "Eight," in Maps and Plans.

<sup>3</sup> This township afterwards became Bernardston.

## CHAPTER 169.

ORDER APPOINTING A COMMITTEE ON JAMES COOCHUCKS PETITION  
TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
244.

House Jour-  
nal, p. 154.

A PETITION of James Coochuck of Natick Indian, Shewing that he has Contracted Considerable Debts by Sickness in his family and praying for Liberty to Sell forty Acres of his Land for the paying of his Debts and the Remainder to be Employed in building a Convenient Dwelling house & purchasing a Stock for him

Read &

*Ordered* that Nath<sup>l</sup> Harris Esq<sup>r</sup><sup>1</sup> be desired to Enquire into the pet<sup>rs</sup> Circumstances & the facts Suggested in the petition & Report their Opinion as soon as may be, of what may be proper for this Court to do thereon. [*Passed December 24.*]

## CHAPTER 170.

ORDER IMPOWERING JON<sup>A</sup> DUNSTER & OTHERS TO HOLD LANDS IN  
FEE SIMPLE.

Legislative  
Records of the  
Council, xvi.,  
244.

House Jour-  
nal, p. 167.

A PETITION of Jonathan and David Dunstar, Philip Carteret & Elizabeth his Wife & Solomon Page & Dorothy his Wife Shewing that Whereas M<sup>rs</sup> Elizabeth Thomas deced in and by her last will & Testament bearing date the 30<sup>th</sup> of May 17<sup>22</sup> proved & allowed gave the pet<sup>rs</sup> all her Housings & Lands, Meadows, Marishes, Pastures, Woodlands & Garden lands from the Brick house to the River that was their Aunt Elizabeth Wades, with all the Rights in the thirds that would have fallen to the said Elizabeth had she lived, with all manner of Housing & Lands which belonged to her; all which was given to the pet<sup>rs</sup> & the heirs of their Bodys Lawfully begotten, the pet<sup>rs</sup> Apprehend the Said Devise to be an Entail and forasmuch as the said Estates Consists of Several Small parcells of Land and parts of Houses which are of little Value as held in Common, Therefore praying that this Court would Grant them power to Sell the Same or divide it among them

Read &

*Ordered* that the prayer of the petition be Granted, and the Entail on the Lands & Tenements within mentioned which the pet<sup>rs</sup> Say they hold by force of the said Testament of the said Elizabeth Thomas in Fee Tail, be & hereby is declared to be taken off; And it is further

*Ordered* by this Court and the Authority thereof, that the pet<sup>rs</sup> & their heirs and Assignes Respectively shall have & hold the Lands & Tenements in their own Right in Fee Simple, So as that they may improve the Same to themselves in the best manner and to their own use & behoofe or Sell the Same in Fee to any person or persons whatsoever. [*Passed December 24.*]

<sup>1</sup> The State Library copy, Legislative Records of the Council, xvi., 244, and the House Journal, p. 154, add the name of Mr Ebenezer Allen to the committee.

<sup>2</sup> The House Journal, p. 167, reads, "May 31st. 1729."

## CHAPTER 171.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF FALMOUTH  
TO LEVY AND COLLECT A TAX OF ONE PENNY PER ACRE ON LAND.

A PETITION of Moses Pierson Represent<sup>a</sup> of the Town of Falmouth in the County of York, Shewing that the said Town is put to great Charge in Supporting the Minister & School there, they being Obligated by Reason of their Situation to Support two Ministers, and Altho they are Competently filled with Inhabitants, yet they have been so Impoverished by the late War; that they are Unable to bear the said Charge; And therefore praying that they may be Impowred to Tax the Unimproved Lands in said Town at one penny *p* Acre for the Support of the Ministry & School

Legislative  
Records of the  
Council, xvi.,  
245. Mass.  
Archives, civ.,  
120.

Mass.  
Archives, civ.,  
119. House  
Journal,  
pp. 166, 167.

Read, and in Answer to this Petition,

*Ordered* That all the unimproved Lands in the Town of Falmouth in the County of York belonging either to Residents or Non resident Proprietors be and hereby are Subjected to a Tax of one Penny per Acre per Annum for the Space of three Years next coming to be applied to and for, and the better to enable the said Town to Support the Charge of the ministry and School therein, and the Assessors of the said Town, as well as the Constables or Collectors there for the Time being during the Said Term are hereby respectively required to levy and assess the s<sup>d</sup> Tax, and collect and pay in the Same according to the Said Assessors Warrants on the Lists to be given to the Constables or Collectors for the Said Term for the Uses aforesaid, and the Said Lands are Subjected to the Payment of the Said Tax Accordingly for the uses aforesaid only. [*Passed December 26.*]

## CHAPTER 172.

## ORDER FOR A NEW PRECINCT IN METHUEN.

A PETITION of Henry Sanders and other Inhabitants of the North part of the Town of Methuen, Setting forth that they are far distant from the Meeting house in the said Town, So that it is inconvenient for them and their familys to Travell thither upon the Lords day, for which Reason they petitioned the said Town of Methuen for their Consent to their being Sett off a Seperate precinct; which they Voted Accordingly by the following bounds viz<sup>t</sup> the line to begin at the North side of the Worlds end pond, thence to Run Easterly to the South Side of Peter Morrills land, and so to Haverhill line, and from said Pond to a Wading place in Spiket River by Jonathan Corles, and thence Runing West to a pine Tree Standing on the line between Draent & Methuen on the South side of Porcupine Brook, Praying for a Confirmation of the said Vote

Legislative  
Records of the  
Council, xvi.,  
245.

House Jour-  
nal, pp. 171, 172.

Read &

*Ordered* that the prayer of the petition be Granted, and the Lands in the North part of the Town of Methuen in the County of Essex with the Inhabitants thereon be & hereby are Erected into a Seperate & distinct precinct by the Metes and bounds Set forth in and Agreeable to a Town Vote of the said Town of Methuen at a legal Meeting held there the fifteenth day of this Instant Decem<sup>r</sup> as Appears by a Copy thereof Annexed to this petition; And the Inhabitants of said Precinct are Vested with & allowed & Impowred to hold and Enjoy

Equal powers, privileges, Immunitys and Advantages with any other precinct in this Province; And M<sup>r</sup> Henry Saunder's one of the principal Inhabitants of said precinct is hereby Allowed and impowred to Call a first precinct Meeting to Chuse a Clerk and Other precinct Officers to Stand untill the Anniversary Meeting in March next. [*Passed December 26.*]

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## CHAPTER 173.

### VOTE ALLOWING £3. 18 TO HENRY SAMPSON.

Legislative  
Records of the  
Council, xvi.,  
248.

House Jour-  
nal, p. 173.

IT APPEARING that thro' a Meer oversight in making up the Wages of M<sup>r</sup> Henry Sampson Represent of Dartmouth in the Year 1732 there was three pounds Eighteen shillings carried out Short of what was due to him by Law

*Voted* therefore that the Sum of three pounds Eighteen shillings be Granted and paid out of the publick Treasury to the said Henry Sampson for so much Omitted for his Service as Represent<sup>s</sup> of Dartmouth in the General Court Anno 1732 And that the said Town of Dartmouth stand Chargable with & Reimburse the publick Treasury the said Sum in the next province Tax in the Represent<sup>s</sup> pay. [*Passed December 27.*]

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## CHAPTER 174.

### ORDER CONFIRMING A PLAT OF 250 ACRES OF LAND TO JOHN OVERING ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xvi.,  
248.

House Jour-  
nal, p. 173.  
*Ante*, p. 104,  
chap. 227.

A PLAT of two Hundred and fifty Acres of Land laid out by Richard Harding Survey<sup>r</sup> & Chainmen on Oath to fulfill a Grant made by this Court to John Overing Esq<sup>r</sup>, begining at the North West Corner being a Stake and Stones Standing in Rehoboth line, which is the South West Corner of lands laid out to the heirs of Peter Bulkley Esq<sup>r</sup> Deced; thence Southerly by said Rehoboth line two hundred & Sixty Rods to a Stake & Stones, which is the South West Corner; thence Easterly, two hundred & forty Rods to a Stake and Stones, which is the South easterly Corner; thence North & by East two hundred & Sixty four Rods to a Stake & Stones, which is the Northeasterly Corner; thence Westerly One hundred & Sixty Eight Rods to the place first mentioned.

Read &

*Ordered* that the plat be Accepted and the lands therein delineated & described be and hereby are Confirmed to the said John Overing Esq<sup>r</sup> his heirs & assigns forever provided that the plat exceeds not the quantity of two hundred & fifty Acres & does not Interfere with any former Grant. [*Passed December 29.*]

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## CHAPTER 175.

### ORDER GRANTING TO THE HEIRS OF JAMES TAILOR FURTHER TIME TO PERFECT A PLAT.

Legislative  
Records of the  
Council, xvi.,  
249.

A PETITION of Christopher Jacob Lawton, in behalf of the heirs of James Tailor Esq<sup>r</sup> deced, Shewing that pursuant to a Grant made by this Court to the heirs of M<sup>r</sup> Taylor they Returned a plat of five hun-

dred Acres of Land to the Court which was Accepted by the House but Rejected by the Council And therefore praying that they may be Allowed time till the next May Session for bringing in a perfect plat

Read &

*Ordered* that the prayer of the petition be Granted and the pet<sup>rs</sup> are Accordingly Allowed time till Next may Session to bring in a Plat of said Grant for Confirmation. [*Passed December 29.*]

Legislative  
Records of the  
Council, xvi.,  
228. House  
Journal, p. 174.  
*Ante*, p. 79,  
chap. 161.

## CHAPTER 176.

### ORDER IMPOWERING JUSTICES OF COURT OF GENERAL SESSIONS TO RECONSIDER A DECISION.

A PETITION of Samuel Barker of Falmouth Shewing that upon a former petition to this Court in the Year 1731 they were pleased to Recommend it to the Court of General Sessions of the peace for the County of Barnstable to Order the laying out a way to the pet<sup>rs</sup> ferry from Falmouth to Marthas Vineyard; which was done Accordingly, and the Sheriff made a Return thereon to the said Court after the same was laid out by a Jury, but the Court declined to Accept of the said Return, And therefore praying that this Court would direct the said Court of Sessions to Reconsider the said Return & make proper Order thereupon

Read and in Answer to this petition,

*Ordered* that the Justices of his Majestys Court of General Sessions of the peace for Barnstable County, in their next Sessions be and hereby are fully Authorized and Impowred, if they see Cause, to ReConsider their former Vote on the Report of the Jury within mentioned and to Accept the same & make Matter of Record thereof if they please. [*Passed December 29.*]

Legislative  
Records of the  
Council, xvi.,  
249.

House Jour-  
nal, p. 177.  
Province  
Laws, xi., 634,  
chap. 129.

## CHAPTER 177.

### ORDER ALLOWING 30/ TO THO<sup>s</sup> WHITE.

A PETITION of Thomas White of Weymouth, Shewing that in the Month of January 1733 his Dwelling house was burnt down, and among other Bills of Credit which he then lost, a thirty Shilling bill of this province was burnt, of which he hath made Oath before a Justice of the peace; And therefore praying that Thirty Shillings may be Allowed him out of the Treasury

Read &

*Ordered* that the prayer of the petition be Granted, and the Sum of thirty shillings be Allowed to be paid out of the Publick Treasury to the pet<sup>r</sup> Accordingly. [*Passed December 29.*]

Legislative  
Records of the  
Council, xvi.,  
250.

House Jour-  
nal, p. 173.

## CHAPTER 178.

### ORDER IMPOWERING SARAH DOUBLET INDIAN TO SELL LAND TO PAY DEBTS.

A PETITION of Spencer Phipps Esq<sup>r</sup> Trustee for Sarah Doublet Indian, Shewing that she is the only Surviving Proprietor of five hundred Acres of land Reserved to the Nashoba Indians, that she is now much disabled

Legislative  
Records of the  
Council, xvi.,  
249, 250.



House Journal, pp. 173, 174.  
Province Laws, ii., 151,  
chap. 10.

by Age and Sickness, and has Contracted Considerable debts for her Support, and therefore praying for leave to Sell the said Land for discharging the said Sarahs debts and for providing for her more Comfortable Support during the Remainder of her life

Read &

*Ordered* that the prayer of the petition be Granted : and Accordingly *Voted* that the said Sarah Indian Alias Doublet be Allowed and Impowred to make Sale of the whole of her Interest in the Lands in Nashoba (now littleton) for the most the same will fetch and to give and Execute in due form of Law a Good Deed or Deeds of Conveyance for the same, and in the Sale thereof to proceed According to the directions of the Act of this Province of the Sixth Year of the Reign of his late Majesty King George Chap. 3<sup>d</sup> Relating to the Sale of Real Estates, and that the Memorialist, with Samuel Danforth Esq<sup>r</sup> who is hereby Joined with him in the said Trust, be and hereby are fully Impowred to see Justice done the said Sarah in the Sale of the premisses and to Receive the proceeds thereof, and out of the same to pay and discharge so much as has been already necessarily Contracted for the said Sarahs Support and the Surplusage to Improve for her Comfort and Relief as in their Discretion they shall find needfull And for the Remainder (if any be at her decease) to stand Accountable to this Court. [*Passed December 30.*]

## CHAPTER 179.

### ORDER ACCEPTING THE COMMITTEES REPORT OF THE LINE BETWEEN THE TWO ROXBURY PRECINCTS.

Legislative Records of the Council, xvi., 251.

House Journal, pp. 178, 179.  
*Ante*, p. 107,  
chap. 232.

THE COM<sup>TEE</sup> Appointed on the 18<sup>th</sup> of April last to take a View of the Town of Roxbury, and Consider of a line for dividing the two precincts therein, have Repaired to said Town (the Agents for said two precincts being first Notified of the time of our coming,) and having carefully Viewed the same and Considered the Situation and Circumstances of each precinct, and heard the partys thereon, are Upon the whole of Opinion that a line Runing from the Centre of that particular Spot of Ground on which Jamaica School house formerly Stood, and Extending thence in a Course South 50 Deg. East to Dorchester bounds, and from the Centre of said Spot of Ground on which the Schoolhouse Stood, Runing to the most Easterly part or Corner of the School land next to the Country Road, then to follow the line dividing said School land from Cap<sup>t</sup> Caleb Lyman's Land so far as said Lands do Extend contiguous to each other, and from thence to Run in a Strait Course 50 Deg West to Brooklyn, be the Divisional line between the said two precincts and be Settled and Established as such and that the Inhabitants and Estates on Either side of said line be Subject to the Charge of Supporting the Ministry & other precinct Charges in that precinct, only where they dwell or are Situated.

which is humbly Submitted by Order of the Com<sup>tee</sup>

EZEK<sup>L</sup> LEWIS

Read & Accepted &

*Ordered* that the line between the two precincts in Roxbury be Settled and Established Accordingly. [*Passed December 31.*]

## CHAPTER 180.

ORDER FOR ADJOURN<sup>g</sup> HAMPSHIRE COUNTY COURTS.

WHEREAS the Court of General Sessions of the Peace and Inferiour Court of Common pleas for the County of Hampshire, which were by Law to be held and kept at Northampton in and for the said County, on the first Tuesday of December Instant, Stand Adjourned to the first Tuesday of January next, by Order of the Justices of the said Courts, and then to be held at Northampton within and for the said County; And Whereas Some of the Justices of the said Courts & others therein concerned are Members of the General Court now assembled and which doubtless will Continue Sitting till the said first Tuesday of January next. IT IS THEREFORE

*Voted &*

*Ordered* by this Court and the Authority thereof, that the said Court of General Sessions of the peace and Inferiour Court of Common pleas be and hereby are further Adjourned to the third Tuesday of January next; then to be held and kept at Northampton, in and for the County of Hampshire aforesaid; Provided that all writs, Suits, Plaints, processes, Appeals, Reviews, Recognizances, or any other Matters or things, which had day before the said Courts, or Either of them, at the time by Law Appointed for their being held & kept on the first Tuesday of this Instant december, or Since by the Adjourn<sup>t</sup> of the Same by Order of the said Justices, then to be held at Northampton aforesaid in and for the County of Hampshire abovesaid, may and shall have day in the Sitting of the said Courts or Either of them at Northampton in the County of Hampshire on the Adjournment thereof to the third Tuesday of January next as aforesaid; and then to be heard and proceeded on, as if the Courts had been held & kept at Northampton aforesaid for the County of Hampshire aforesaid, on the first Tuesday of December Currant aforesaid; And the Sheriff of the said County of Hampshire his Under Sheriff & deputy be and hereby are directed and Strictly Required on Sight hereof to publish this order of Adjournment under the hand & Seal of the said Sheriff his Under Sheriff or Deputy, by posting up Copys thereof One at the Court house in Springfield in said County, Another Copy thereof in Some publick place in Northampton aforesaid, that the Justices of the said Courts & all other person therein concerned may conform to the said Adjournment to the said third tuesday in Ja<sup>n</sup>ry Accordingly. [*Passed December 31.*]

Legislative  
Records of the  
Council, xvi.,  
251.

House Jour-  
nal, p. 182.  
Province  
Laws, i., 367,  
chap. 1.

## CHAPTER 181.

## ORDER APPOINTING A COMMITTEE TO DIVIDE THE ESTATE OF BENJAMIN CHURCH.

A PETITION of Charles Church Esq<sup>r</sup> of Bristol, Shewing that whereas this Court were pleased to Grant to the heirs of his Father Col<sup>o</sup> Benj<sup>a</sup> Church five hundred Acres of land, those of them that are of Age can Receive no benefit by the said Grant, because that the Children of his Bro<sup>r</sup> Constant Church, who are Minors Neglect, or Refuse to Chuse Guardians to Act for them in the division thereof that the Pet<sup>r</sup> Applied to the Sup<sup>r</sup> Court for a division, but could not obtain it by Reason of the Defect aforesaid; And therefore praying that the Court would appoint five Freeholders to divide the said land.

Legislative  
Records of the  
Council, xvi.,  
252.

House Jour-  
nal, p. 179.  
*Ante*, p. 134,  
chap. 19.

Read & in Answer to this petition,

*Ordered* that the Judge of Probate of Wills for the County of Bristol be & hereby is fully impowred, & directed, to Appoint five Freeholders Inhabitants in and of the County of Bristol, to make a Partition or division of the said five hundred Acres of land, to and Among the heirs & Legal Represent<sup>a</sup> of the said Benj<sup>a</sup> Church Esq<sup>r</sup> deced<sup>d</sup>, in proportion to their Respective Interests According to Quantity & Quality the said Partition to be made by the said five Freeholders on Oath (or the Maj<sup>r</sup> part of them) Return thereof to be made & Recorded as well in the Register of probates office, as the Register of Deeds office for the County of Bristol; which partition or division made in manner as aforesaid Shall be valid & Effectual to all Intents & purposes in the Law whatsoever. [*Passed December 31.*]

## CHAPTER 182.

VOTE REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION AND OFFERING A REWARD OF £100 FOR THE ARREST OF PERSONS COMMITTING AN ASSAULT.

Legislative  
Records of the  
Council, xvi.,  
253.

Boston News  
Letter, No.  
1663, December  
25, 1735, to  
January 1.  
House Jour-  
nal, pp. 161, 166.

A PETITION of John Peagram Esq<sup>r</sup> Survey<sup>r</sup> General of his Majestys Customs, (directed to his Excellency) Shewing that John Blackburn Tidewaiter of the Port of Boston, having on the Ninth Instant Seized a Quantity of Foreign Molasses imported contrary to Act of Paliament, was on the thirteenth Instant, at Midnight, called out of his Bed on pretence of an Information of an other quantity of Molasses landed in Boston, and after he was decoyed into the Streets, was Cruelly beaten and Abused by one man, Armed with a back sword, and others with Clubs; that the Pilot that Carried the said Blackburn into the Harbour where the first mentioned Molasses was Seized, was about the Same time by Some evil minded persons threatened, & greivously wounded in the head; That a Cable and Anchor taken up as a derelict by the Officers of the Customs was Stolen out of the ware house where it lay; And the Custom house Boat was taken away in the Night & either Sunk or turned adrift; Praying that proper Methods may be taken for bring<sup>g</sup> the persons to Justice

Which Petition his Excellency laid before the Court for consideration Read and the house taking in consideration the bold Assault within mentioned, And that due Testimony be born Against such proceedings;

*Voted* that his Excellency be desired to issue forth a Proclamation, with the Advice & Consent of his Majestys Council, for apprehend<sup>g</sup> the offenders within mentioned, and bringing them to Justice; And for the encouragement of all other persons herein, that a Reward of One hundred pounds be & hereby is granted & allowed to be paid out of the publick Treasury to the person or persons that shall Apprehend and Convict the offenders, within mentioned of the said Assault.<sup>1</sup> [*Passed \* December 31.*]

<sup>1</sup> The Boston News Letter, No. 1663, December 25, 1735, to January 1, 1736, after referring to the assault, *supra*, goes on to say, "His Excellency has therefore thought fit with the advice and consent of his Majestys Council and the desire of the Representatives, to issue a proclamation commanding His Majestys Officers to do their duty in endeavoring to detect the persons committing the assult, and for their encouragement offering a reward of £100."

## CHAPTER 183.

ORDER ALLOWING THE TREASURERS ACCO<sup>t</sup> OF INDIAN TRADE.

AN ACCO<sup>mt</sup> presented by Jeremiah Allen Esq<sup>r</sup> of the Trade with the Indians from the end of May 1734 to the End of May 1735.

Read &

*Ordered* that the Acco<sup>t</sup> be allowed the ballance whereof being fifteen thousand three hundred & thirty pounds nineteen shillings & five pence M<sup>r</sup> Treasurer is further to accompt for. [*Passed December 31.*]

Legislative  
Records of the  
Council, xvi.,  
253.

House Jour-  
nal, p. 31.

## CHAPTER 184.

## VOTE ACCEPTING THE REPORT ON THE SALEM AFFAIR ABOUT A MINISTER.

THE COM<sup>tee</sup> Appointed to Repair to Salem on the petition of Benjamin Lynde jun<sup>r</sup> Esq<sup>r</sup> and others, a Com<sup>tee</sup> of the first Parish in Salem, in behalf of said Parish, Setting forth the Difficultys they labour under, as by said petition Appears, as also the Answers of M<sup>r</sup> Samuel Fisk & also of M<sup>r</sup> James Ruck Nath<sup>l</sup> Osgood Timothy Pickering and John Coles, and also of a Considerable number of other persons belonging to the said Parish, being M<sup>r</sup> Fisk's Adherents, and to hear the partys thereon, view the Distance between the Meeting house in said Parish & the place proposed by the Respondents for erecting a New Meeting house on, & considerand Report what may be proper for the Court to do thereon; Having duly Notified the partys, did publickly Attend that Service in the Town house there, on the Eighth Ninth & tenth days of this Instant December; when the partys Appeared but M<sup>r</sup> Fisk Refused to Support his Answer to the petition because the Com<sup>tee</sup> had not directed the Notification to him as Pastor of the first Church of Christ in Salem, as did also Mess<sup>rs</sup> James Ruck, Nath<sup>l</sup> Osgood, Timothy Pickering, & John Coles because they were not Notified as a Com<sup>tee</sup> of the first Church of Christ in Salem And altho they were informed by the Com<sup>tee</sup> that in Supporting their Answer they might call themselves Pastor & Com<sup>tee</sup> of said Church, Yet they tho often Urged thereto absolutly declined so doing, unless the Com<sup>tee</sup> would Alter the Stile of the Notification and thereby Acknowledge them as such; but as they were a part of the pet<sup>rs</sup> of the parish, they with others did not Refuse to Support that Answer and desired M<sup>r</sup> Fisk might Speak for them which he did; In which was couched Sundry things contained in the other Answers, and thereby they Virtually endeavoured to Support those Answers; And the partys being fully heard thereon, the Com<sup>tee</sup> are of Opinion that the Pet<sup>rs</sup> have fully Supported their petition, as to the principal and Material Matters therein contained; and that the pet<sup>rs</sup> and others their Adherents of the first Parish and Church of Salem have long laboured under many great and greivous difficultys, Occasioned by the Extraordinary and Arbitrary proceedings and male Conduct of M<sup>r</sup> Samuel Fisk, their late Pastor: It also Appears to the Com<sup>tee</sup> that the Aggreived Brethren of the said Church have used due & proper means for Accomodating the Unhappy differences Among them, viz<sup>t</sup> between them and the said M<sup>r</sup> Fisk; which failing of the desired Success, a majority of the Brethren of the said Church, Agreeable to a Vote of the Parish, desiring the Same, did on the Eighteenth day of April last past Dismiss the said M<sup>r</sup> Fisk from the Pastoral office Among them, as far as they could; Which we Apprehend is Agree-

Legislative  
Records of the  
Council, xvi.,  
254.

House Jour-  
nal, pp. 156, 157,  
158, 186. *Ante*,  
p. 101, chap.  
248; p. 175,  
chap. 118.



able to an Explanatory Resolve of the Great and General Court of the Sixteenth of said April. We have also Measured the distance between the present Meeting house and the place where the Respondents have lately Erected a Frame of a meeting house, and find it to be twelve perch and Eleven foot, yet we Apprehend they are not so distant as to be free from Interrupting One Another in time of divine Service at all times; And the said M<sup>r</sup> Fisk and his Adherents Remaining Obstinate as to the Accepting of Reasonable Terms of Accomodation or Reconciliation, which were made to them before the Com<sup>tee</sup> that the Pet<sup>rs</sup> should take the Frame and land whereon it Stands, as the same shall be Appraised by Indifferent men and procure for M<sup>r</sup> Fisk & his Adherents a Suitable peice of Land to Erect a meeting house on of M<sup>r</sup> James Lindall, which was formerly M<sup>r</sup> Curwins, as the Same Shall be apprized by Indifferent men, which is about forty Seven perch distant, as the Streets go from the Frame, which place we are of Opinion will full as well if not better Accomodate them for Erecting a Meeting house on as the place where the frame now Stands

The Com<sup>tee</sup> therefore further Report as their Opinion, that M<sup>r</sup> Fisk & his Adherents be prohibited from finishing the present frame for & using it as a Meeting house in the place where it now stands; for should the same Frame be finished & used as a meeting house there, we can't but Apprehend it would have a direct Tendency to perpetuate the Unhappy differences arisen and Still Remaining in said Parish; And further, in Case M<sup>r</sup> Fisk & his Adherents shall not within two Months Comply with the aforesaid Offer, or with other proposals under the hands of the pet<sup>rs</sup> herewith Exhibited; (which were delivered to the Com<sup>tee</sup> after M<sup>r</sup> Fisk and his Adherents were withdrawn) that then they be Strictly prohibited from Erecting any house for the publick Worship of God within Forty perch of the present Meeting house in said Parish; And the Com<sup>tee</sup> further Report as their Opinion that the pet<sup>rs</sup> and there Adherents Inhabitants, of said Parish be freed from paying anything towards M<sup>r</sup> Fisks Salary, or Support from the time of his dismissal on the 18 of April aforesaid to this time and for the future all which is humbly Submitted

By Order of the Com<sup>tee</sup>

MEL: BOURN

Read &

*Voted* that this Report be Accepted to all Intents & purposes whatsoever and Especially that all further proceedings in ord<sup>r</sup> to finish the building a New Meeting house where the Frame is now Erected be Strictly forbidden Accordingly. [*Passed January 1.*]

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## CHAPTER 185.

ORDER ALLOWING £20. 3. 5 TO JOHN QUINCEY ESQ<sup>r</sup> AND A FURTHER SUM OF £30.

AN ACCOMPT presented by John Quincey Esq<sup>r</sup> Trustee for the Indians of Puncapaug of the Improvement of the said Indians money & disbursements for them from Decem<sup>r</sup> 1732 to this time      Read & Accepted  
And thereupon

*Ordered* that the ballance of this Acco<sup>t</sup> being Twenty pounds three shillings & fivepence, be allowed & paid to the Accomptant out of the Interest money which he may Receive: & further that the Sum of thirty pounds be Allowed & paid to the Accompt<sup>t</sup> for his time & trouble in taking Care of the Indians for the three last years out of the Interest,



as he shall hereafter Receive it; And that the said Trustee be also Accountable for the Capital sum being Seven hundred & Sixteen pounds three shillings & Six pence. [*Passed January 1.*]

## CHAPTER 186.

VOTE ACCEPTING THE REPORT ON THE PETITION OF HAB. SAVAGE ESQ<sup>R</sup> & OTHERS IN REGARD TO SETTLEMENT OF AN ESTATE.

A PETITION of Habijah Savage, Faith Savage, Samuel Butler, & others Shewing that their Bro<sup>r</sup> Henry Phillips dyed Seized of a considerable Real Estate, Which the Judge of Probate for the County of Suffolk by his Order of the 15<sup>th</sup> May 1733 distributed Among his Mother Bro<sup>r</sup> & Sisters from which Order Gillam Phillips Esq<sup>r</sup> Brother of the deceased, appealed to the Gov<sup>r</sup> and Council who after hearing, Confirmed the Same and thereupon the said Gillam Phillips Claimed his Appeal to the King and Council, which was disallowed Upon which he Complained to his Majesty in Council and pray'd to be Allowed his Appeal which his Majesty has Accordingly Granted; And for as much as the Province is deeply concerned in the Event of this affair, as the said Order of the Judge of Probate is founded on the Laws of this province by which all the Intestate Estates of this Province are Settled, Therefore praying the Court to give Orders to their Agent Respecting that Law at the hearing of the said Appeal in such manner as may be tho't meet.

Legislative Records of the Council, xvi., 212, 256.

House Journal, pp. 103, 104, 131. Province Laws, ii., 738, chap. 16.

The Com<sup>tee</sup> on the Petition of Habijah Savage Esq<sup>r</sup> & others made Report thereon which was Read and Accepted by both houses and Signed by the Governour. [*Passed January 1.*]

## CHAPTER 187.

ORD<sup>R</sup> REFERRING THE PETITION OF DORO: SALTONSTALLS EXORS.

ON THE PETITION of Thomas Hutchinson Esq<sup>r</sup> & others Executors of Dorothy Saltonstall deced [*ante*, p. 161, chap. 80]

Legislative Records of the Council, xvi., 256.

In Council Read together with the Answer of William & John Kirkwood and

House Journal, p. 180. *Ante*, p. 161, chap. 80.

*Ordered* That Thomas Cushing and Anthony Stoddard Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Com<sup>tee</sup> to hear the partys to this petition, and to Receive and Adjust the Accompts, as well of the Debts of William Thornbury within named deced, above the amount of his personal Estate and the Disbursements made by Israel How for Repairing and improving the Real Estates by him purchased, as also the Rents and profits of the Real Estates Since the decease of the widow of the said Thornbury; and make Report of the State & Ballance of the said Accompts as soon as may be that so this Court may proceed further in the Affair In the House of Represent<sup>a</sup> Read &

*Ordered* that this petition with the last vote of the Hon<sup>ble</sup> Board thereon be Referred to the next Sitting of the Court for further consideration, that the Respondents in the mean time may have the opportunity of procuring the Security to the pet<sup>rs</sup> and the pet<sup>rs</sup> entring into

the Recognizance or Bonds by the Respondents proposed to be come into in their Answer

In Council Read & Concurr'd. [*Passed January 2.*]

## CHAPTER 188.

### VOTE IMPOWERING JOHN QUINCY ESQ<sup>R</sup> TO SURVEY AND LAY OUT 500 ACRES OF LAND.

Legislative  
Records of the  
Council, xiv.,  
256.

House Jour-  
nal, p. 188.

*Voted* that Five hundred Acres of the Unappropriated Lands of the Province be Given and Granted to the Hon<sup>ble</sup> John Quincy Esq<sup>r</sup> Speaker of the House in consideration of his constant Application in giving dispatch to the Publick Affairs of the Province for divers Years last past; and that he be Allowed and Impowred by a Survey<sup>r</sup> & Chainmen on Oath to Survey and lay out the Same, and Return a plat thereof to this Court within twelve Months for Confirmation, to him his heirs and assigns; the Lands to be laid out so as not to prejudice the Settlement of a Township. [*Passed January 2.*]

## CHAPTER 189.

### ORDER ALLOWING £600 TO THE GOVERN<sup>R</sup>.

Legislative  
Records of the  
Council, xvi.,  
257.

Legislative  
Records of the  
Council, xvi.,  
269. House  
Journal, p. 183.

*Ordered* that the Sum of Six hundred pounds be allowed and paid out of the publick Treasury to his Excellency Jonathan Belcher Esq<sup>r</sup> Cap<sup>t</sup> General and Governour in Chief in and over his Majestys Province of the Massachusetts Bay in New England,<sup>1</sup> in consideration of his Excellencys extraordinary Services in the Year Currant more Especially in his Journeying to the Western Frontiers and in the Conference his Excellency latly had there with the Cagnawaga and other Indians. [*Passed January 2.*]

## CHAPTER 190.

### ORDER IMPOWERING JON<sup>A</sup> & ISAAC PEGAN TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xvi.,  
257.

House Jour-  
nal, pp. 186, 187.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Jonathan & Isaac Pogan<sup>2</sup> for themselves and the Rest of the Children of Samuel Pegan late of Dudley Indian deced, Shewing that their said Father hath left them a Competency of lands in said place for their Settlement, but has left considerable debts on his Estate; and for as much as he had a Lot of about Sixty two Acres of Land in Natick, which is under no Improvement; Therefore praying for leave from this Court for Selling the said Land

Read &

*Ordered* that the prayer of the petition be Granted, and that the pet<sup>rs</sup> are allowed and impowred to make sale of the Lands in Natick within mentioned for the Most the same will fetch, giving & Executing a good Deed or Deeds of Sale and Conveyance thereof in due form of Law; And the Hon<sup>ble</sup> Edward Goddard Esq<sup>r</sup> and Francis Fullam Esq<sup>r</sup> or Either of

<sup>1</sup> The three words "in New England" are underlined in Secretary's copy, Legislative Records of the Council, xvi., 257.

<sup>2</sup> "Pegan," in State Library copy, Legislative Records of the Council, xvi., 257, and the House Journal, p. 186; the House Journal adds "*Samuel*" to the petitioners.

them are desired & Impoured to Assist the pet<sup>rs</sup> in the Sale of the prem-  
 isses, and See they have Justice done them therein; In the procecdure  
 thereof, the pet<sup>rs</sup> are Required to Observe the Rules and directions of  
 the Act of this province of the Sixth Year of His late Majesty King  
 George Chap. 3<sup>d</sup> the proceeds whereof to be by them Remitted to the  
 Hon<sup>ble</sup> John Chandler Esq<sup>r</sup> & W<sup>m</sup> Lyon both of Woodstock; & they &  
 each of them are hereby impoured & directed out of the proceeds of  
 the premisses to pay & discharge the pet<sup>rs</sup> Fathers Just debts, And the  
 Remainder thereof if any there be to be by them or Either of them Ap-  
 plied for the Relief & Support of the Pet<sup>rs</sup> & their familys, in the Most  
 prudent manner, as their occasions may hereafter call for or Require.  
*[Passed January 2.]*

## CHAPTER 191.

### VOTE GRANTING 1,000 ACRES OF LAND TO GOV<sup>R</sup> BELCHER.

*Voted* Unanimously that one Thousand Acres of the Unappropriated  
 Lands of the Province be & hereby is Given & Granted to his Excel-  
 lency Jonathan Belcher Esq<sup>r</sup> Cap<sup>t</sup> Gen<sup>l</sup> & Gov<sup>r</sup> in Chief in & over his  
 Majestys Province of the Massachusetts Bay his heirs and assignes in  
 consideration of the Services of his late Brother M<sup>r</sup> Andrew Belcher  
 deēd in the Canada Expedition Anno 1690; and that his Excellency  
 Return a plat thereof to this Court within twelve Months for Confirma-  
 tion; The Land to be laid out so as not to prejudice the Settlement of  
 a Township. *[Passed January 2.]*

Legislative  
 Records of the  
 Council, xvi.,  
 257.

House Jour-  
 nal, p. 188.

## CHAPTER 192.

### VOTE REVIVING THE ORDER ON JOHN QUICKSETTS PETITION IN RE- GARD TO TRESPASS ON LAND.

ON THE PETITION of John Quickset & John Thomas of Pembroke  
 Indians and the Order of the Court thereon [*ante*, p. 169, chap. 99]

*Voted* that the Order on this petition be Revived and that the Com<sup>tee</sup>  
 therein named Report to this Court at their next Sitting what they Judge  
 proper to be done thereon. *[Passed January 2.]*

Legislative  
 Records of the  
 Council, xvi.,  
 258.

House Jour-  
 nal, p. 200.  
*Ante*, p. 169,  
 chap. 99.

## CHAPTER 193.

### VOTE ACCEPTING THE DRAUGHT OF A LETTER TO AGENT WILKS ON JOHN FROST'S PETITION.

A PETITION of John Frost of Berwick in the County of York, Shew-  
 ing that at the Inferiour Court of Common pleas held at York in said  
 County in April 1733, he brought his Action of Trespass Against Wil-  
 liam Leighton of Kittery for Entring into five hundred and twenty Acres  
 of land in Berwick aforesaid, and Cutting down Sundry pinetrees, Beach  
 Trees &c. and haling them away to his damage two hundred pounds,  
 that he Obtained Judgment in his favour both at the Inferiour and Super-  
 iour Courts; Whereupon the said Leighton Moved the Superiour Court  
 to be Allowed An Appeal to the King in Council, which was denied,

Legislative  
 Records of the  
 Council, xvi.,  
 239, 258.

Legislative  
 Records of the  
 Council, xvi.,  
 240, 243, 250.  
 House Jour-  
 nal, pp. 155, 156,  
 173, 189.

him, and thereupon by Assistance of M<sup>r</sup> Samuel Waldo his Employer, and Agent for Ralph Gulstone Esq<sup>r</sup> (who has Contracted to Supply the Royall navy with masts) he petitioned to his Majesty for an Appeal, which is Accordingly Allowed; And for as much as the pet<sup>r</sup> is Unable to bear the Charge of Defending his Cause on the said Appeal, And the matter Greatly affects the priviledges of the people of this province, & more Especially concerns the Interest & property of the people in the Eastern parts, in the Consequence thereof; Therefore praying that this Court would Undertake the Defence of his Cause, or give him Such assistance & Relief therein as in their Wisdom they shall Judge fit.

The Com<sup>tee</sup> on the petition of John Frost Reported the Draught of a Letter to M<sup>r</sup> Agent Wilks on that Subject; which was Read & Accepted by both Houses and Signed by the Governour. [*Passed January 3.*]

## CHAPTER 194.

### VOTE ACCEPTING THE DRAUGHT OF A LETTER TO AGENT WILKS ON RICHARD SPRAGUES PETITION.

Legislative  
Records of the  
Council, xvi.,  
213, 258.

House Jour-  
nal, pp. 137, 192.

A PETITION of Richard Sprague late Constable of Medford in the County of Middlesex Shewing that in the Year 1733, Mathew Ellis of said Town was assessed Forty Shillings, as his part of a Tax for the Support of the Minister there; which the said Ellis Refusing to pay, the Memorialist, Agreeable to his Warrant, Committed him to his Majestys Goal in said County; Whereupon the said Ellis brought his Action of Assault Against the Memorialist, charging his damage at three hundred pounds Sterling; in which Action he was Cast in the Inf<sup>r</sup> and Superiour Courts; Upon which he Claimed his Appeal to his Majesty in Council, which the Judges thought him not Entitled to; But upon their denyal the said Ellis, Applying to his Majesty, Obtained his Order in Council for the hearing of his Appeal; and the Memorialist is Accordingly Notified to Answer it; And for as much as the Memorialist has done nothing in this Affair but in obedience to the Laws of this Province; Therefore praying that he may be freed from any further Trouble and Charge in the Affair or otherwise Relieved.

The Com<sup>tee</sup> on the petition of Richard Sprague Reported the Draught of a Letter to M<sup>r</sup> Agent Wilks on that Subject which was Read & Accepted in both Houses and Signed by the Governour. [*Passed January 3.*]

## CHAPTER 195.

### ORDER ACCEPTING THE COMMITTEES REPORT ON THE PET<sup>n</sup> OF THE S<sup>o</sup> W<sup>t</sup> INH<sup>ts</sup> OF DEDHAM.

Legislative  
Records of the  
Council, xvi.,  
259.

House Jour-  
nal, pp. 159, 185,  
191, 192.

ISAAC LOTHROP ESQ<sup>r</sup> from the Com<sup>tee</sup> on the petition of Joseph Richards & others<sup>1</sup> of Dedham gave in the following Report viz<sup>t</sup>

Upon the petition of Sundry of the Inhabitants of the Town of Dedham, the Com<sup>tee</sup> Report as followeth viz<sup>t</sup> That having Maturely consid-

<sup>1</sup> "Inhabitants of Dedham, at a place called the Clabboard-Trees, with Joseph Colburn, Ephraim Colburn, Samuel Colburn, and Stephen Gay, praying they may be set off with their Estates in Dedham from paying any Ministerial Charge to the first Parish in Dedham; the Petitioners having gathered and embodied a Church among themselves, and installed the Reverend Mr. Josiah Dwight over them, and also chosen other Church Officers &c."—House Journal, p. 159.



ered the said petition, together with the answer of the first Parish in Dedham, and having fully heard the partys thereon, the Com<sup>tee</sup> are humbly of Opinion, that it is most Adviseable that the prayer of the petition be so far Granted, as that the pet<sup>rs</sup> with their Polls and Estates in dedham be freed and Discharged from any Ministerial Taxes or Charges for or towards the Support of the Ministry in the first Parish in Dedham; that may at any time hereafter arise during such time or term as the pet<sup>rs</sup> shall continue to uphold the publick Worship of God, and maintain an Able & orthodox Minister Amongst themselves (A<sup>l</sup>) Excepting the payment of their proportion to the last Ministerial Tax Granted in the said Parish and Dedham all which is humbly Submitted

In behalf of the Com<sup>tee</sup>

Is<sup>a</sup> LOTHIROP

In Council Read &

*Ordered* that this Report be Accepted.

In the House of Represent<sup>a</sup> Read & Concurr'd with the Amendm<sup>t</sup> at A<sup>l</sup> And that the Pet<sup>rs</sup> are hereby Strictly forbidden for the future during the said Term from Voting or any ways intermeddling or concerning themselves in any Vote or Tax that shall be Granted in the first parish wherein the Charge or Support of the Ministry may be any ways affected

In Council Read & Concurr'd. [*Passed January 6.*]

## CHAPTER 196.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF BIDDEFORD TO LEVY AND COLLECT A TAX OF ONE PENNY PER ACRE ON LAND.

A PETITION of M<sup>r</sup> Samuel Willard Minister of the Town of Biddeford, Shewing that by Reason of the poverty of the people there, and the dearneess of Provisions he is so ill Supported as to be frequently in Want of the Necessarys of life for which he is obliged to Run in Debt And forasmuch as there are Considerable Tracts of Land in said Town belonging to the Nonresident Proprietors, which Rise in their Value by Reason of the Ministrys being Settled there; Therefore praying that the said Nonresidents Lands may be Taxed at one penny  $\text{p}$  Acre  $\text{p}$  Annum for three Years for the pet<sup>rs</sup> Support in the Ministry.

Read &

*Ordered* that the prayer of the petition be Granted, and that the Lands of the Nonresident Proprietors of the said Town of Biddeford be and hereby are Subject to a Tax of one penny  $\text{p}$  Acre  $\text{p}$  annum, for the Space of three Years next coming, to be Levied and Assessed as an Additional Tax, and to be Applied and paid to the s<sup>d</sup> Samuel Willard, for his better Support in the Work of the Ministry there; And the Assessors are hereby Impowred and Required to levy the said Assesment on the said Nonresident Proprietors, And the Constables and Collectors of the said Town, for and during the said term, are also hereby directed and Required to Collect & pay in the Sum of the said Tax which shall from time to time be comitted to them with Warr<sup>t</sup> to collect & pay in the same to the said Rev<sup>d</sup> M<sup>r</sup> Samuel Willard as an additional Tax for his better Support in the Ministerial Work at Biddeford And the said Lands are Accordingly Subjected to the payment thereof for the use aforesaid in Case of failure of payment by the said Nonresident Proprietors. [*Passed January 6.*]

Legislative  
Records of the  
Council, xvi.,  
259.

House Jour-  
nal, pp. 190, 191.



## CHAPTER 197.

## ORDER GRANTING TO THOS CHANDLER 70 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
260.

House Jour-  
nal, pp. 180, 181.

A PETITION of Thomas Chandler of Andover, Praying he may Obtain a Grant of a Small peice of Land in Methuen, of about Sixty Acres bounding Southerly on Sergents Farm, Westerly on Dracut line, Easterly on Greens farm, Whereon to Settle one of his Sons; Read and

*Ordered* that the Prayer of the petition be Granted, and the said Tract of Land (provided it exceeds not the quantity of Seventy Acres) is Accordingly given and granted to the said Thomas Chandler his heirs and assignes, and that he Return a plat thereof to this Court within twelve Months for Confirmation; Provided he his heirs or assignes do within three years from the Confirmation of the Plat break up and Clear & fit for Mowing & plowing five Acres of the Granted premisses, well inclosing the same, and also within the said Term build a Convenient Dwelling house of Eighteen feet Square and Seven feet Stud, at the least, and have a family Actually dwelling therein; Provided also the plat exceeds not the quantity of Seventy Acres of Land and does not interfere with any former Grant. [*Passed January 6.*]

## CHAPTER 198.

## VOTE APPOINTING A COMMITTEE ON THE HOUSATANOCK AFFAIR AND EXTENDING THE TIME OF THE UPPER HOUSATANUCK COMMITTEE.

Legislative  
Records of the  
Council, xvi.,  
260.

House Jour-  
nal, pp. 181, 187.  
*Ante*, p. 97,  
chap. 210.

*Toted* that John Stoddard Ebenezer Pomroy and Thomas Ingersol Esq<sup>es</sup> be a Com<sup>tee</sup> of this Court, hereby Appointed and impowred to Repair to Housatanock, to know the Minds of the Indians, Respecting any particular Tract of Land, on which they be inclined to Settle: AND WHEREAS it is probable that the Interval land on Housatanock River above the Mountain will be most Agreeable to them, and whereas the same belongs to Certain Proprietors of Upper Housatanock, who may be likly to Exchange the Same for an Equivalent of the Unappropriated Lands adjoining to the said Upper Housatanock or near thereunto, That therefore, the Com<sup>tee</sup> be directed to Consult with the said Indians and Proprietors Respecting the premisses, and make Report to this Court what they think proper for this Court to do thereon That whereas the Com<sup>tees</sup> time for the Upper Housatanock will Terminate in June next, and it being questionable, whether the Com<sup>tee</sup> with Respect to Accomodating the Housatanuck Indians, in their Religious affairs, can Aecomplish the same by that time without Injury or wrong to the proprietors, or exposing the Province to much more charge, by the Proprietors being Obliged to build an House on their Land; Which if the Indians Obtain that Charge will be finally lost either by the Proprietors or by the Province Therefore

*Toted* That the Com<sup>tees</sup> Time for the Upper Housatanock be lengthened out or Continued for One Year longer after the twenty Second day of June next. [*Passed January 6.*]

## CHAPTER 199.

## ORDER FOR MAKING £4,000 IN BILLS OF CREDIT.

*Ordered* that the Committee of this Court for Signing the Bills of Publick Credit be impoured and directed to Imprint and Sign four Thousand pounds, as soon as may be in Bills of Credit on this province viz<sup>t</sup> Two Thousand pounds part thereof, from the plate of the Middle Denomination, and two Thousand pounds the Remainder thereof from the plate of the lowest Denomination, and deliver the same to the Treasurer of this province, to be Exchanged for Torn & Defaced Bills, to be burnt and Consumed to Ashes; And that the said Committee take a Receipt of M<sup>r</sup> Treasurer for the said New Bills, when delivered in, and to be paid for their Service as the Committees have heretofore been paid for the like Services; the Bills to be Signed in Boston; and the Com<sup>tee</sup> are further Impoured and directed to take Effectual Care that four Thousand pounds of the Bills of Credit in the Treasury, Rendred unfit for further Service by being torn and Defaced be burnt & Consumed to ashes in their Sight; and that thereupon they give the Treasurer a Receipt therefor. [*Passed January 6.*]

Legislative  
Records of the  
Council, xvi.,  
261.

House Jour-  
nal, pp. 138, 201,  
202. Province  
Laws, xi., 283,  
chap. 177.  
*Ante*, p. 171,  
chap. 105;  
p. 185, chap.  
140.

## CHAPTER 200.

ORDER ON THE PETITION OF EBEN<sup>s</sup> HUNT FOR LAYING OUT A TOWN.

ON THE PETITION of Ebenezer Hunt & others [*ante*, p. 181, chap. 132] In the House of Represent<sup>a</sup> Read &

Legislative  
Records of the  
Council, xvi.,  
261.

*Voted* that M<sup>r</sup> Speaker Quincey and Cap<sup>t</sup> Adam Cushing, with Such as the Hon<sup>ble</sup> Board shall Appoint, be a Com<sup>tee</sup> to lay out the Township Granted to Ebenezer Hunt and others, officers and Soldiers in the Canada Expedition Anno 1690, As Entred the third Ult. to all Intents and purposes, and in manner and form Agreeable to the Vote for Granting said Township

House Jour-  
nal, p. 190.  
*Ante*, p. 181,  
chap. 132.

In Council Read & Concurr'd and Edmund Quincey Esq<sup>r</sup> is Joined in the affair. [*Passed January 6.*]

## CHAPTER 201.

## ORDER OF NOTICE ON THE PETITION OF BARRINGTON &amp; REHOBOTH IN REGARD TO REBUILDING MILES'S BRIDGE.

A PETITION of Thomas Bowen and Sundry others, Inhabitants of the Towns of Rehoboth and Barrington, Shewing that the Bridge Commonly called Miles's Bridge over the River that Runs between the Towns of Swansey & Barrington being down and the said Towns being presented for the same at the Quarter Sessions for the County of Bristol, the said Court Ordered that it should be Rebuilt by said Towns viz<sup>t</sup> Swansey two thirds and Barrington One third that the said Town of Barrington is Ready to do their part but the Inhabit<sup>ts</sup> of Swanzey Refuse upon pre- tence the said Court had no power to make such order; And therefore praying that this Court would give Order for the building of the said Bridge

Legislative  
Records of the  
Council, xvi.,  
261.

House Jour-  
nal, p. 192.

Read &

*Ordered* that the pet<sup>r</sup>s Cause the Town of Swansey to be Served with a Copy of the petition, that they Shew Cause if any they have on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be Granted. [*Passed January 6.*]

## CHAPTER 202.

ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND TO GOV<sup>r</sup> BELCHER.

Legislative  
Records of the  
Council, xvi.,  
262. Maps and  
Plans, Mis.,  
x., 7.

Maps and  
Plans, Mis.,  
x., 7. House  
Journal, p. 196.  
*Ante*, p. 200,  
chap. 191.

TWO PLATS of Land on Connecticutt River, laid out by Ebenezer Hinsdale and Chaimmen on Oath, containing in the Whole One Thousand Acres, intended for the fulfilling a Grant made by this Court in the Year 1734 to His Excellency Jonathan Belcher Esq<sup>r</sup>. The larger Tract Containing Six hundred Acres and begining at two butter Nut-trees Marked **I B** and Standing on Connecticutt River at the lower end of the third Interval Meadow on the East Side of the River from Cold River; thence East One hundred & thirty four perch to a Corner, thence North four hundred and Seventy perch to Another Corner, then West Ninety five perch to a Butter Nutt Tree Marked **I B** on the Bank of the River and from thence down along the River to the Butter Nutt Tree where it began

The other part containing four hundred Acres lying Opposite to the former & begining at two White pine Trees Marked **I B**, about One hundred and thirty perch above the Brook in the lower part of the Second Interval Meadow on the West side of the River, below the Great Falls; thence West two hundred and twenty perch to a Corner, thence East 13° 30 North, two hundred & Seventy perch to a pitch pine tree on the bank of a River, thence up the River to the place first mentioned The Courses being taken by the Needle.

Read &

*Ordered* that these plats be & hereby are Accepted & the Lands therein delineated & described and lying on each Side of Connecticutt River be & are hereby Confirmed to His Excellency Jonathan Belcher Esq<sup>r</sup> Cap<sup>t</sup> General & Governour in Chief in & over His Majestys province of the Mass<sup>a</sup> Bay, and to his heirs & assigns for Ever in satisfaction of a Grant of this Court in their present Sitting of One thousand Acres of Land made to his Excellency for the service of his Brother M<sup>r</sup> Andrew Belcher dec<sup>d</sup> in the Canada Expedition Anno 1690, provided the plats exceed not the quantity of One thousand Acres of Land which lie on Each side of Connecticutt River, & does not interfere with any former Grant; Any thing contained in y<sup>e</sup> form of this return to y<sup>e</sup> Contrary notwithstanding. [*Passed January 6.*]

## CHAPTER 203.

## ORDER ALLOWING £1,250 TO THE JUDGES.

Legislative  
Records of the  
Council, xvi.,  
263.

House Jour-  
nal, p. 204.

*Ordered* that the sum of Twelve hundred and Fifty pounds be Granted and paid out of the Publick Treasury to the Hon<sup>ble</sup> the Justices of his Majestys Superiour Court of Judicature Court of Assize and General Goal delivery for their Services the Year past which ended the first of this Inst<sup>t</sup>, January to be paid in proportion to the Courts they Attended during that time. [*Passed January 7.*]

## CHAPTER 204.

ORDER ALLOWING £150 AND A FURTHER SUM OF £100 TO THE SECRETARY.

*Ordered* That the Sum of One hundred and Fifty pounds be Granted and paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his Services to the third of December last and the further Sum of One hundred pounds to be Granted and paid out of the Publick Treasury to M<sup>r</sup> Secretary Willard in consideration of his Extraordinary Services. [*Passed January 7.*]

Legislative  
Records of the  
Council, xvi.,  
263.

House Jour-  
nal, p. 204.

## CHAPTER 205.

ORDER ALLOWING £300 AND A FURTHER SUM OF £120 TO THE TREASURER.

*Ordered* that the sum of Three hundred pounds be Granted and paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer of this province in full for his Services the Year past, which ended the first of June last and that the further sum of One hundred and twenty pounds be Granted and paid out of the Publick Treasury to the said Jeremiah Allen Esq<sup>r</sup> in Consideration of his Services in the Treasury &c for the last year, which ended the first of December last. [*Passed January 7.*]

Legislative  
Records of the  
Council, xvi.,  
263.

House Jour-  
nal, p. 204.

## CHAPTER 206.

ORDER ALLOWING £360 TO M<sup>r</sup> PRESIDENT WADSWORTH.

*Ordered* That the Sum of three hundred and Sixty pounds be Granted and paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Benjamin Wadsworth, President of Harvard College for his Service in that office One Year, ending in June next; the money to be paid him quarterly. [*Passed January 7.*]

Legislative  
Records of the  
Council, xvi.,  
263.

House Jour-  
nal, p. 204.

## CHAPTER 207.

ORDER REMITTING A FINE OF £18. 17. 9 TO THE TOWN OF MEDWAY.

A MEMORIAL of Edward Clark Represent<sup>s</sup> of the Town of Medway Shewing that the said Town was fined for not Sending a Representative in the Year 1734 that Omission was Occasioned by their Ignorance of the Law and not knowing that the Act for Encreasing the Number of Familys in the Towns Obligated to Send Represent<sup>s</sup> was disallowed by his Majesty; And therefore praying that the fine so Imposed on the said Town may be Remitted to them

Read &

*Ordered* that the prayer of the petition be Granted and that the sum of Eighteen pounds Seventeen shillings and Nine pence is hereby Allowed and Granted to be paid out of the Publick Treasury to the

Legislative  
Records of the  
Council, xvi.,  
263.

Executive  
Records of the  
Council, x., 5.  
House Jour-  
nal, p. 195.  
Province  
Laws, ii., 726,  
chap. 13; 728.

Town of Medway to Reimburse them the Said Sum Set on them as a fine for not sending a Represent<sup>a</sup> as within mentioned. [*Passed* \* *January 7.*]

## CHAPTER 208.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF WORCESTER TO LEVY AND COLLECT A TAX OF ONE PENNY PER ACRE ON LAND.

Legislative  
Records of the  
Council, xvi.,  
264.

House Jour-  
nal, pp. 197, 198.

A PETITION of John Chandler Esq<sup>r</sup> Represent<sup>a</sup> of the Town of Worcester, in behalf of said Town, praying that they may be impowred to Assess and levy a Tax of One penny p Acre p annum on All the Unimproved Lands of the Nonresident Proprietors for five or three Years next coming, to be Applied for the better Support of the Ministry there.

Read &

*Ordered* that the prayer of the petition be Granted and the Selectmen or the Assessors of the said Town of Worcester for the time being for three Years next coming, be and hereby are fully Authorized and impowred to levy and Assess a Tax of One penny p Acre on all the unimproved Lands in the said Town, belonging to the Nonresident Proprietors, and deliver out a list or lists thereof with Warrants to Collect the Same; & the Constables or Collectors of the said Town of Worcester are hereby Required & directed to pay in the same Annually, during the said Term of three Years the whole of the Collection of the said Tax to be Applied to and for the Support of the Rev<sup>d</sup> Minister there, Agreeable to the Warrants on the Lists for Collecting the same; And the Lands of the Nonresident Proprietors lying in the said Town of Worcester are hereby Subjected to the payment of the said Tax for the use aforesaid & for no Other use. [*Passed January 7.*]

## CHAPTER 209.

ORDER APPOINTING A COMMITTEE ON THE WRENTHAM AND BELLINGHAM BOUNDARY.

Legislative  
Records of the  
Council, xvi.,  
264.

House Jour-  
nal, pp. 118, 178,  
203. *Ante*,  
p. 158, chap. 73.

ON THE PETITION of the Agents for the Town of Wrentham [*ante*, p. 158, chap. 73]

A hearing having been had the 20<sup>th</sup> of Novemb<sup>r</sup> last before both Houses on this petition

[In Council]

*Ordered* that Edmund Quiney and Anthony Stoddard Esq<sup>rs</sup> with Such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Com<sup>tee</sup> to Repair to the Borders of the Towns of Wrentham & Bellingham where the Boundary line is Controverted and after a full hearing of the partys to State and Determine Some proper boundary line between the said Towns which shall Respect their Jurisdiction

In the House of Represent<sup>a</sup> Read & Concurr'd & John Chandler William Brattle and Charles Church Esq<sup>rs</sup> are Joined in the Affair. [*Passed January 7.*]



## CHAPTER 210.

## ORDER APPOINTING A COMMITTEE ON JOS. EPHRAIMS PETITION FOR HIS PROPORTION OF HASSANAMISCO LANDS.

A PETITION of Joseph Ephraim of Natick Indian Setting forth his Right as a Proprietor to a Share of the Indian Lands at Hassanamisco (now the Town of Grafton) and in the money for which their Lands were Sold And therefore praying that this Court would Restore to him the said Right

Legislative  
Records of the  
Council, xvi.,  
264.

House Jour-  
nal, p. 189.  
*Ante*, p. 66,  
chap. 132.

In the House of Represent<sup>s</sup> Read &

*Ordered* that Major Brattle Cap<sup>t</sup> Bowman, Col<sup>o</sup> Prescott, & Cap<sup>t</sup> Hobson with such as shall be Joined by the Hon<sup>ble</sup> Board, be a Com<sup>tee</sup> to Enquire into the Subject Matter of the petition, hear the pet<sup>r</sup> as well as the Trustees of the Indian Affairs of Hassanimisco (now Grafton) hereon, and Report their Opinion as soon as may be, of what may be proper for this Court to do in Answer thereto

In Council Read & Concurr<sup>d</sup> and John Jeffries and Joseph Wilder Esq<sup>rs</sup> are Joined in the Affair. [*Passed January 7.*]

## CHAPTER 211.

## ORDER ALLOWING £160 TO JOHN WAINWRIGHT CLERK OF THE HOUSE.

*Ordered* that the sum of One hundred and Sixty pounds be Granted and paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House in full for his Service to the next May Session. [*Passed January 9.*]

Legislative  
Records of the  
Council, xvi.,  
265.

House Jour-  
nal, p. 205.

## CHAPTER 212.

## ORDER ALLOWING 4/ PER DIEM TO THE SPEAKER OF THE HOUSE.

*Ordered* that there be Granted & paid out of the Publick Treasury after the Rate of four shillings p<sup>r</sup> Diem to the Hon<sup>ble</sup> John Quincey Esq<sup>r</sup> Speaker of the House for every day of his Attendance in the General Court; from the Opening the Session in May last, being the 28<sup>th</sup> day of said month, to the dissolution of this Assembly, From Certificate from the Clerk of the House in consideration of his constant Application in dispatching the publick affairs of the Province. [*Passed January 9.*]

Legislative  
Records of the  
Council, xvi.,  
265.

House Jour-  
nal, p. 205.

## CHAPTER 213.

ORDER ALLOWING £50 TO DOCT<sup>r</sup> WIGGLESWORTH.

*Ordered* that the sum of Fifty pounds be Granted & paid out of the publick Treasury to the Rev<sup>d</sup> Doct<sup>r</sup> Edw<sup>d</sup> Wigglesworth, Hollis-son<sup>1</sup> professor of Divinity at Harvard College in Cambridge, as a

Legislative  
Records of the  
Council, xvi.,  
265.

<sup>1</sup> "Hollisian," in the State Library copy, Legislative Records of the Council, xvi., 265, and the House Journal.

House Journal, p. 205.

Gratuity in consideration of his faithfull discharge of the great & Important Trust Reposed in him & for his further encouragement therein. [*Passed January 9.*]

## CHAPTER 214.

### ORDER ALLOWING £40 TO THE CHAPLAINS OF THE COURT.

Legislative Records of the Council, xvi., 265.

House Journal, p. 205.

*Ordered* that the sum of Forty pounds be Allowed and paid out of the Publick Treasury viz<sup>t</sup> Twenty pounds one half thereof to the Rev<sup>d</sup> Chaplain who officiates at the Hon<sup>ble</sup> Board the year Currant, and Twenty pounds the other half thereof to the Rev<sup>d</sup> M<sup>r</sup> Samuel Checkley the Chaplain of the House for his Service the Year Currant. [*Passed January 9.*]

## CHAPTER 215.

### ORDER ALLOWING £140 TO THE DOORKEEPER.

Legislative Records of the Council, xvi., 265.

House Journal, p. 205.

*Ordered* that the Sum of One hundred & forty pounds be Granted & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Doorkeeper to his Excellency the Gov<sup>r</sup> & this Court, in full for his Service for the Year Currant, which will determine the 19<sup>th</sup> of Feby<sup>r</sup> next. [*Passed January 9.*]

## CHAPTER 216.

### VOTE ON THE PETITION OF THE PROP<sup>RS</sup> OF WOODBURY FARM FOR CONFIRMATION OF TITLE.

Legislative Records of the Council, xvi., 266.

House Journal, p. 205.

A PETITION of Jonathan Woodbury, in behalf of the Proprietors of Woodbury Farm in the Town of Methewen, Shewing that the Pet<sup>rs</sup> father Thomas Woodbury & one Joshua Bason of Beverly, in the Year 1682, purchased of Jeremiah Belcher of Ipswich, three Thousand four hundred Acres of Unimproved Land, Supposing that he had a good Title, and then they made divers Conveyances of part of the said land & the possessors built Houses & made other Improvements on the said land but lately the pet<sup>r</sup> & other proprietors have been Sued in the Province of New Hampshire & Cast have Spent a considerable Sum of money in Defending the Said lands; And therefore praying this Court to confirm the Said Belchers Deed to the Pet<sup>rs</sup>

Read and

*Ordered* that the prayer of this petition be so far Granted, as that the Whole of the Right and Title of this Province to the Land Conveyed by Jeremiah Belcher to Thomas Woodbury & Joshua Bason in and by a Deed to them bearing date March 1682, be and hereby is Released & quitclaimed by this Government to the aforesaid Grantees, their heirs and Assignes Respectively, and that no Grant of Lands that may hereafter be made by this Court shall be laid out on the premisses or any part thereof. [*Passed January 10.*]

## CHAPTER 217.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE MEMORIAL OF THE COMMISSIONERS OF THE £100,000 LOAN FOR THE COUNTY OF ESSEX.

WILLIAM DUDLEY Esq<sup>r</sup> from the Com<sup>tee</sup> on the Memorial of the Commissioners of the £100,000 Loan for the County of Essex gave in the following Report viz<sup>t</sup>

Legislative  
Records of the  
Council, xvi.,  
267.

House Jour-  
nal, pp. 200, 201.  
*Ante*, p. 158,  
chap. 72.

In Answer to this Memorial and According to the order of the Court thereon, The Com<sup>tee</sup> Report that there be a Com<sup>tee</sup> fully impowred to Receive of the Surviving Commissioners of the County of Essex all such Mortgages of land, lying in the County of Plymouth, not Sued out, & Judgments of Courts, Leases & other Titles Relating to Such as have been Sued out, & the time of Redemption of such lands Expired; And that the Com<sup>tee</sup> Expose Such Forfeited Estates to open Sale, first giving publick Notice thereof in the Shire town, where Such lands lye, and upon Sale thereof, to execute good & ample Deeds in the Law therefor, the produce thereof to pay into the publick Treasury; And if any Surplusage shall be on such Sale, besides the original Sum borrowed & Interest thereon with Charges, &c in the Law, the Same to be Returned to the Mortgager his heirs, Exors, or admors; And the said Commiss<sup>rs</sup> of Essex, in their next Accompts, are hereby Allowed to discharge themselves of so much money put into their hands, as the Amount of the Mortgages or Judgments &c delivered to the Said Com<sup>tee</sup> as aforesaid; And in Case any of the Lands in any of the Respective Countys, Mortgaged & Sold by the Commiss<sup>rs</sup> be not Sufficient to pay the principal borrowed, Interest thereon, with Charges, Law suits, &c, Yet the Commissioners on their paying into the Treasury what they have or shall truly Receive on the Sale of Such forfeited Estates, they shall be discharged of the whole they let out on Such mortg<sup>as</sup> with the Charges in the Law, Such deficiency notwithstanding; And the Com<sup>tee</sup> are further of Opinion that the Commissioners of the Loan aforesaid, throughout the Province, be directed to make up and Compleat their Accompts of all moneys Reced by them on said Loan, and what has been paid into the Treasury by the first day of January 1736, and that they be not allowed or indulged to make up or present any other or further Accompt of their doings but shall Stand Chargable with all moneys in their hands, & Mortgages not discharged and be liable to pay the Same & Interest thereon, not exceeding Five *p* Cent, from the said first day of January 1736/7; According as this Court shall Order; and that the Secretary transmit to the Commiss<sup>rs</sup> of the Respective Counties such directions as are or may be given them by this Court, as well at their present Sitting as at their Sitting in may last that so they may know what they Require of them

W<sup>m</sup> DUDLEY *p* order

In Council Read &

*Ordered* that this Report be accepted

In the House of Represent<sup>a</sup> Read & Concurred with the Amendment viz<sup>t</sup> The Com<sup>tee</sup> to have Such Reasonable Allowance for their Service herein as this Court shall hereafter think proper And John Cushing jun<sup>r</sup> & John Alden Esq<sup>rs</sup> & Isaac Lothrop jun<sup>r</sup> are Appointed and Impowred a Com<sup>tee</sup> for the Intents & purposes aforesaid In Council Read & Concurr'd. [*Passed January 10.*]

## CHAPTER 218.

ORDER IMPOWERING COL<sup>o</sup> JOSIA WILLARD TO SURVEY AND LAY OUT  
100 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
268. Mass.  
Archives,  
xvi., 63.

House Jour-  
nal, p. 207.  
Province  
Laws, xi., 725,  
chap. 34.

A PETITION of Col<sup>o</sup> Josiah Willard Shewing that he has Erected a Mill upon a Stream in the Township Granted to him & others lying above Northfield, but has not a Convenience for Raising a head of Water; And therefore praying for a Grant of One hundred Acres of Province land lying about half a Mile Eastward of the said Town (by which he will be Capable of Raising a head of Water) upon such Terms & Conditions as this Court shall think proper

Read & in Answer to this Petition

*Ordered* that the Prayer thereof be So far granted as that the Petitioner have Liberty by a Surveyor & Chainmen on Oath to Survey and lay out one hundred Acres of Land at the Place petitioned for and return a Plat thereof to this Court within twelve Months for Confirmation to the Petitioners his Heirs and Assigns for the Ends and Purposes in the Said Petition mentioned So long as he or they Shall Keep up a Sutable Dam with a good & sufficient Mill or Mills at the Place where he has lately erected the Same, and that on Failure thereof extraordinary Casualties excepted the Said Land Shall revert to and be at the Disposition of the Province. [*Passed January 10.*]

## CHAPTER 219.

VOTE ON HENRY & MARG<sup>t</sup> SHORTS PETITION TO CANCEL A DEED OF  
CONVEYANCE.

Legislative  
Records of the  
Council, xvi.,  
269.

House Jour-  
nal, pp. 89, 205.

A PETITION of Henry Short of Newbury and Margaret Short Widow of Mathew Short late of Attleborô, deced, Shewing that the pet<sup>r</sup> Henry Conveyed to his Brother Mathew Short by his Deed Certain parcels of land, Upon conditions in the said Deed Mentioned, which the Said Mathew Never lived to perform, and left his Estate in Such a Condition, as that the performance thereof is impracticable; And therefore praying, that the same may be Declared Null and Void, Upon the pet<sup>r</sup> Henrys paying to the Heirs of the said Mathew the sum of Seventy pounds

Read. & forasmuch as the Deed of Henry Short to his Brother Mathew Short is not Agreeable to the Design of his Father Henry Short, Deceased, as Appears by his Deed to his said Son Henry Dated March 13. 1705/6 and said Deed to Mathew Containing Sundry Conditions not performed in his life time or Since his Death,

*Voted* That upon the said Henry Shorts giving Sufficient Security to the Judge of Probate for the County of Bristol for the payment of the Sum of Seventy pounds to the heirs of the said Mathew Short deced, the said Deed be and hereby is Declared and Determined to be void and of None Effect, and the said Henry Short may name and Appoint Some Child of his Father to Inherit According to the true Intent and meaning of his said Father Henry Short deced. [*Passed January 12.*]

## CHAPTER 220.

ORDER ACCEPTING THE COMMITTEES REPORT ON THE PETITION OF THOS<sup>S</sup> PLAISTEAD.

A PETITION of Thomas Plaisted late of London now of Boston Merchant, Shewing that he is well Acquainted with the Mistery of making Potash, which he Apprehends may be Carried on to good Advantage in this province, proposing to Treat with a Com<sup>tee</sup> of this Court & Praying that some Suitable persons may be Accordingly Appointed to Receive & Consider what he has to Offer on that head and make Report thereof to the Court

Legislative  
Records of the  
Council, xvi.,  
248, 270.

House Jour-  
nal, pp. 199, 208.

In Obedience to the Order of this Court, Appointing a Com<sup>tee</sup> to consider of the petition of M<sup>r</sup> Thomas Plaistead &c, We having met and Discoursed fully with the pet<sup>r</sup> and Received from him More particular proposals in Writing herewith Exhibited, Referring to the Carrying on the Manufacture of Potash within this province, Are of Opinion, that for the Encouragment of the pet<sup>r</sup> in an Undertaking so much for the Service of Great Britain, as well as advantage to this Country, There be Granted Fifteen hundred Acres of Land in Some Suitable place within Forty or fifty Miles of the Town of Boston, unto some proper person or persons that this Court shall Appoint, to be holden by him or them in Trust to and for the use of the said Thomas Plaistead the pet<sup>r</sup> for the Space of three Years, and that there be also Advanced and paid him out of the publick Treasury the Sum of Eight hundred pounds to be by him Repaid together with the value or price of the said fifteen hundred Acres of Land at a Moderate Rate and Apprizment at the Expiration of the Term of three Years as aforesaid, For the payment of which sums, the pet<sup>r</sup> shall be Obligated to find Sufficient Security, as also for his the said Plaisteads making at least Thirty tuns of Potash, and Sending the same to London According to the proposals above mentioned; and that the said Manufacture Shall be Openly and publicly Carried on so that whoever shall Labour therein shall be made Capable of Mannfactoring it themselves; And further that in Order to his finding out a Suitable Tract of Land as aforesaid Some Meet person or persons that are well Acquainted with the Unappropriated Lands be Appointed as soon as the Season of the Year will Admit thereof, and at the Charge of the Government, to Assist the pet<sup>r</sup> in finding out, and Surveying the said fifteen hundred Acres, in Order to its being Granted, and Confirmed, in Trust as afores<sup>d</sup> And further we are humbly of Opinion that if the pet<sup>r</sup> Effect his design of Introducing and Carrying on the said Manufacture to the Advantage of this Province as he hath proposed It will be proper to make the said Grant of Fifteen hundred Acres an absolute Estate in the pet<sup>r</sup> and his heirs, and that he be further Rewarded for such his Good Service to this Country by an Adequate Generous Grant or allowance of this Government; all which is humbly Submitted

By order of the Committee

EDM<sup>d</sup> QUINCEY

In the House of Represent<sup>a</sup> Read &

Ordered that this Report be Accepted

In Council Read & Con-

curred & Joseph Wilder is Appointed to Assist in finding out and Surveying the Lands within mentioned and in taking said Survey, that he carefully View and Consider the Quality of the Land and Return with the plat his Opinion of the value thereof at the Same time In the House of Represent<sup>a</sup> Read & Concurr'd. [*Passed January 12.*]



## CHAPTER 221.

ORDER IMPOWERING CAPT BENJ<sup>A</sup> LARRABEE TO EFFECT REPAIRS AT FORT GEORGE, BRUNSWICK.

Legislative  
Records of the  
Council, xvi.,  
271.

House Jour-  
nal, p. 208.

A PETITION of Cap<sup>t</sup> Benj<sup>a</sup> Larrabee Commander of his Majestys Fort George at Brunswick Shewing that while he was on the business of his Office Absent from the said Fort, by some Accident the Dwelling house there Caught fire, & was burned to the Ground before it could be Quenched, with the Wooden Work of the North east Bastion, which was used as a Store Room, that the pet<sup>r</sup> was Necessitated to Rebuild the Dwelling house for the Shelter of the Garrison, and praying for the order of this Court for Rebuilding the said Store Room

Read &

*Ordered* that the prayer of the petition be Granted, and the pet<sup>r</sup> is hereby Impoured and directed to see the Repairs of the said Eastern Bastion of Fort George Effectuated, and the same Secured and fitted for a Store house as formerly. [*Passed January 13.*]

## CHAPTER 222.

## ORDER REMITTING FINE OF £18. 19 TO THE TOWN OF SUTTON.

Legislative  
Records of the  
Council, xvi.,  
271.

House Jour-  
nal, p. 202.  
Province  
Laws, ii., 726,  
chap. 13; 731.

A PETITION of M<sup>r</sup> Percival Hall Represent<sup>a</sup> of the Town of Sutton Praying this Court in consideration of the poverty of the said Town to Remit to them the fine Set upon them in the Tax Act for not Sending a Represent<sup>a</sup> to the Court in the Year 1734.

Read &

*Ordered* that the prayer of the petition be Granted, and that the sum of Eighteen pounds Ninteen Shillings is hereby Granted and Allowed to be paid out of the Publick Treasury to the Order of the Town of Sutton to reimburse them the like Sum they paid as a fine as within mentioned. [*Passed January 13.*]

## CHAPTER 223.

## ORDER REMITTING FINE OF £32. 3. 2 TO THE TOWN OF HANNOVER.

Legislative  
Records of the  
Council, xvi.,  
272.

House Jour-  
nal, pp. 160, 211.  
Province  
Laws, ii., 723,  
chap. 13; 732;  
771, chap. 13;  
776.

A PETITION of James Hatch Agent for the Town of Hannover Shewing That the Said Town was this present Year Taxed Considerably above their proportion as they have been Taxed in former Years, which they Apprehend was thro<sup>t</sup> Mistake; And therefore praying that what is above their proportion may be taken off from their Tax.

Read and

*Ordered* that the sum of Thirteen<sup>1</sup> pounds three shillings and two pence be Granted and paid out of the publick Treasury to the Selectmen of the Town of Hannover, for the use of the said Town, to Reimburse them a Fine for not Sending a Represent<sup>a</sup> Anno 1734,<sup>2</sup> and a further sum they were over Charged in their Province Tax. [*Passed January 13.*]

<sup>1</sup> Both copies of Legislative Records of the Council read, "Thirteen," but the House Journal, p. 211, reads, "Thirty two."

<sup>2</sup> Note that in the preamble no mention is made of the fine for not sending a Representative. See also *infra*, chap. 224.

## CHAPTER 224.

ORDER REMITTING A FINE OF £32. 16. 6 TO THE TOWN OF ABINGTON.

A PETITION of Mathew Prat and Others a Com<sup>tee</sup> for the Town of Abington, Complaining of the Largness of their Province Tax, and that it has latly been Raised above their proportion in former Years, and much above their Ability, and therefore praying that some part of their Tax may be taken off.

Read &

*Ordered* that the Sum of Thirty two pounds Sixteen Shillings be Granted and paid out of the Publick Treasury to the Selectmen of the Town of Abington, to Reimburse them the like Sum they have paid as a fine for not Sending a Represent<sup>a</sup> Anno 1734,<sup>1</sup> and what they were over Charged in the Province Tax. [*Passed January 13.*]

Legislative  
Records of the  
Council, xvi.,  
272.

House Jour-  
nal, pp. 160, 212.  
Province  
Laws, ii., 726,  
chap. 13; 731;  
771, chap. 13;  
776.

## CHAPTER 225.

ORDER IMPOWERING JOHN FRIZZELL JUN. EXCRS TO ENTER AN ACTION.

A PETITION of Benjamin Bronsden and others, Executors of the last will and Testament of John Frizzell jun<sup>r</sup> deced Shewing that they brought their Action Against the Executors of the Testament of M<sup>rs</sup> Dorothy Saltonstal deced, to Render an Acco<sup>t</sup> of the personal Estate of John Frizzell Sen<sup>r</sup> deced, (to whom the said Dorothy was Widow and Executrix) that the pet<sup>rs</sup> writ was Abated at the Inf<sup>r</sup> Court of Common pleas but stood at the Superiour Court held at Boston in August and was Remitted back to the Inf<sup>r</sup> Court now Sitting in Boston but the pet<sup>rs</sup> Attorney forgat to Enter the Action, Praying that he may be now impowred to Enter it

Read : And the Exe<sup>ors</sup> of M<sup>rs</sup> Dorothy Saltonstal having Signified that they have Nothing to Object Against the Matter of this petition,

*Ordered* that the prayer thereof be Granted. [*Passed January 13.*]

Legislative  
Records of the  
Council, xvi.,  
269, 272.

House Jour-  
nal, pp. 212, 215.

## CHAPTER 226.

ORDER OF NOTICE ON JOS. GERRISH ESQ<sup>r</sup> & OTHERS PETITION TO BE MADE A NEW COUNTY.

A PETITION of Joseph Gerrish Esq<sup>r</sup> and Others Represent<sup>a</sup> of the Towns in the Northerly part of the County of Essex Setting forth the Inconveniencys the Inhabitants of the said Towns are Under in Attending upon the Courts in the Other parts of the County And praying that the said County may be divided and that the Towns of Newbury Haverhill Salisbury Andover Bradford Rowley Boxford Amesbury Methuen and Rumford may be taken off and Constituted a Separate & Distinct County

Read &

*Ordered* that the petition be Referr'd to the next Sitting of the Court for consideration and that in the mean time the pet<sup>rs</sup> serve such Towns

Legislative  
Records of the  
Council, xvi.,  
273.

House Jour-  
nal, p. 213.

<sup>1</sup> Note that in the preamble no mention is made of the fine for not sending a Representative. See also *supra*, chap. 223.

as they pray for to be Erected into a Seperate County, who have not petitioned therefor, with a Copy of the petition, that they shew Cause if any they have Why the prayer thereof should not be Granted; and the Members of this Court belonging to the Respective Towns in the County of Essex may also if they See Cause Notify their Respective Towns that they may give in their Reasons why the prayer of the petition should not be Granted. [*Passed January 13.*]

## CHAPTER 227.

ORDER REMITTING A FINE OF £19. 9. 2 TO THE TOWN OF SHERBURN.

Legislative  
Records of the  
Council, xvi.,  
272.

Mass.  
Archives, cxxiv., 39.  
House Journal, p. 221.  
Province  
Laws, ii., 726;  
chap. 13; 733;  
771, chap. 13;  
778.

A PETITION of William Leyland Represent<sup>a</sup> of the Town of Sherburn Setting forth the Smallness and poverty of the said Town, and the Charges they have latly been at in Settling a Minister, and therefore praying that the fine laid on them the last Year for not Sending a Represent<sup>a</sup> may be Remitted. Read and

*Ordered* that the prayer of the petition be Granted, and that the Sum of Nineteen pounds Nine Shillings and Nine<sup>1</sup> pence be and hereby is Granted and Allowed to be paid out of the publick Treasury to the Selectmen of the Town of Sherburn, for the use and benefit of the said Town, to Reimburse them so much they paid as a fine for not Sending a Represent<sup>a</sup> Anno 1734.<sup>2</sup> [*Passed \* January 14.*<sup>3</sup>]

## CHAPTER 228.

ORDER GRANTING A TOWNSHIP TO JN<sup>O</sup> SIMPSON &c WITH CONDITIONS.

Legislative  
Records of the  
Council, xvi.,  
274. Mass.  
Archives, cxv.,  
841.

House Journal, pp. 123, 124,  
218, 231. *Post*,  
p. 235, chap.  
246.

IN THE HOUSE OF REPRESENTATIVES In Answer to the Petition of John Simpson & Others<sup>4</sup>

*Voted* that y<sup>e</sup> Prayer of the Petition be granted and that . . .<sup>5</sup> Together with such as Shall be Joynd by y<sup>e</sup> Honourable Board be a Committee at y<sup>e</sup> Charge of the Petitioners to lay out a Township of the Contents of Six mles Square at y<sup>e</sup> place Petitioned for or some other Suitable place; and that they Return a plat thereof to this Court within twelve months for Confirmation, and for the more Effectual bringing forward the Settlement of the Said New Town

*Ordered* that y<sup>e</sup> Said Town be laid out into Sixty three equal Shares, one of which to be for the first Settled Minister, one for y<sup>e</sup> Ministry and one for y<sup>e</sup> School, and that on each of the other Sixty Shares the Petitioners do within three Years from y<sup>e</sup> Confirmation of the Platt have Settled one good family, who shall have a house built on his Home Lott of Eighteen feet square & Seven feet Staid at the least, and finished, that Each Right or Grant have Six Acres of Land, brought to & plowed, or brought to English Grass & fitted for mowing, that they Settle a Learned & Orthodox Minister, & build & finish a Convenient Meeting House for y<sup>e</sup> Publie Worship of God, And y<sup>e</sup> Said Committee are hereby Directed to take bond of Each Settler of

<sup>1</sup> The House Journal, p. 221, reads, "*two pence.*"

<sup>2</sup> "Paid Sundry Towns to Reimburse them the Fines laid upon them for not Sending Representatives . . . 175. 14. 7."—Mass. Archives, cxxiv., 39.

<sup>3</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 13.

<sup>4</sup> The House Journal, p. 123, reads, "praying for some Province Lands."

<sup>5</sup> *Sic.* See *post*, p. 235, chap. 246.

Forty pounds for his faithfull complying with & performing y<sup>e</sup> Conditions of Settlement, and in Case any of the said Settlers fail of performing y<sup>e</sup> aforesaid Conditions, then his or their Right, Share or Interest in said Town to Revert to & be at y<sup>e</sup> Disposition of the Province; and that the said Committee be and hereby are Impowred to Sue out y<sup>e</sup> bonds & Recover the Possession of y<sup>e</sup> forfeited Lots (if any be) at the Expiration of the three Years, and to Grant them over to Other persons that will Comply with y<sup>e</sup> Conditions within one Year next after the said Grant; and the Bonds to be made & Given to the said Committee and their Successors in the Said Trust

In Councill Read & Concurred. [*Passed January 14.*]

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## CHAPTER 229.

### ORDER GRANTING A TOWNSHIP TO IPSWICH INHAB<sup>TS</sup> WITH CONDITIONS.

IN THE HOUSE OF REPRESENT<sup>A</sup> In Answer to the prayer of John Wainwright and John Choat Esq<sup>rs</sup> Represent<sup>s</sup> of the Town of Ipswich in behalf of Sundry Inhabitants of said Town,<sup>1</sup>

Legislative  
Records of the  
Council, xvi.,  
275.

*Voted* that the prayer be Granted and that John Wainwright and John Choat Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> at the Charge of the Grantees (such of the Inhabitants as they shall think most proper) to lay out a Township of the Contents of Six Miles Square in some of the Unappropriated Lands of the Province and that they Return a plat thereof to this Court within twelve Months for Confirmation And for the more Effectual bringing forward a Settlement of the said New town

House Jour-  
nal, p. 217.

*Ordered* That the said Town be laid out into Sixty three Equal Shares One of which to be for the first Settled Minister One for the Ministry And one for the School and that on each of the other Sixty Shares the Grantees do within three Years after the Confirmation of the Plan Settle one Good family who shall have a house built on his Homelott of Eighteen feet Square and Seven feet Stud at the least and finished, that each Right or Grant have Six Acres of Land brought to and plowed or brought to English Grass and fitted for Mowing, that they Settle a Learned Orthodox Minister and Build a Convenient Meeting house for the Publick Worship of God, that the said Com<sup>tee</sup> take Bond of each Settler of forty pounds for his Complying with the Conditions of Settlement and that each Settler that shall fail of performing the aforesaid Conditions shall forfeit his Share or Right in the said New Town to the Government and the same to be Disposed of as they shall see Cause.

In Council Read & Concurred & Thomas Berry Esq<sup>r</sup> is Joined with the Com<sup>tee</sup> of the House in the said Affair. [*Passed January 15.*]

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## CHAPTER 230.

### ORDER ACCEPTING THE COMMITTEES REPORT ABOUT THE LINES OF TOWNS BETWEEN THE MERRIMAC AND CONNECTICUT RIVERS AND WESTFIELD AND SHEFFIELD.

THE COMMITTEE Appointed, the fourteenth Currant, to take into consideration the Several petitions for Townships, now before the Court,

Legislative  
Records of the  
Council, xvi.,  
276.

<sup>1</sup> The House Journal, p. 217, inserts, "praying that a Grant of some of the unappropriated Lands of the Province for a Township may be made to some of the Inhabitants of the said Town."



Mass.  
Archives, cxv.,  
711. Legisla-  
tive Records of  
the Council,  
xvi., 274.  
House Jour-  
nal, pp. 221, 225,  
226, 227.

and Report what may be proper for the Court to do thereon, having Met and Maturely considered the same, are humbly of opinion, That there be a Carefull View and Survey of the Lands between Merrimack and Connecticutt River, from the North West Corner of Rumford or<sup>1</sup> Merrimack to the Great Falls on Connecticutt, of twelve Miles at the least in the bredth or North and South, by a Com<sup>tee</sup> of Eleven able and Suitable persons, to be Appointed by this Court, who shall after a due knowledge of the Nature and Circumstances thereof, lay the same into as many Townships of the Contents of Six Miles, as the Land in Wedth as aforesaid will allow of; No Township to be more than Six Miles East and West; and also to lay out the Land on the East Side of Connecticutt River from said Falls to the Township laid out to Josiah Willard and others into as many Townships of the Contents of Six Miles Square as the Same will Allow of, And also the Land on the West Side of the River Connecticutt from the said Falls to the Equivalent Land, into One or two Townships, of the Contents of Six Miles Square, if the same will Allow thereof; Five of Which Com<sup>tee</sup> to be a Quorum for Surveying and Laying out the Township on each Side of Connecticutt River, as aforesaid; And that the said Com<sup>tee</sup> make Report of their doings to this Court at their Sessions in may next, or as soon as they Conveniently can, that so the persons whose names are Contained in the Several Petitions viz<sup>t</sup> the petition of Hopkinston in the petition of Salisbury and Amesbury, in the Petition of Cambridge, in the Petition of Bradford, and Wenham in the petition of Haverhill, in the petition of Milton and Brooklyn, in the Petition of Samuel Chamberlain & Jonathan Jewit, and in the petition of Nathanael Harris &c; in the petition of Stevens and Golding and others, in the petition of morgan Cobb &c, Jonathan Wells &c, Lysecomb & Johnson &c, In the petition of Isaac Little &c, in the petition of Jonathan Powers &c, John Whitecomb<sup>2</sup> Esq<sup>r</sup> &c, Samuel Hayward &c, Josiah Fassett and others, John Flynt & others, Jonathan Hayward<sup>3</sup> and others of Bridgewater, that have not heretofore been Admitted Grantees or Settlers within the Space of Seven Years last past, of or in any former or other Grant of a Township or particular Grant, on Condition of Settling; and that shall Appear and give Security to the value of Forty pounds to perform the Conditions, that shall be Enjoyned by this Court may by the Major part of the Committee, be Admitted Grantees into One of the said Townships; the Com<sup>tee</sup> to give public Notice of the time and place of their Meeting to admit the Grantees; which Com<sup>tee</sup> shall be Impowred to employ Survey<sup>rs</sup> and Chain men to Assist them in Surveying and laying out the said Townships; the Province to bear the Charge, and to be Repaid by the Grantees, who may be Admitted; the whole Charge they shall advance; which Com<sup>tee</sup> we Apprehend ought to be Impowred and Directed to Admit Sixty Settlers in each Township, and take their Bonds, payable to the Com<sup>tee</sup> and their Successors in the said Trust, to the Use of the Province, for the performance of the Conditions of this Grant, viz<sup>t</sup> That each Grantee Build a Dwelling house of Eighteen feet Square and Seven feet Stud at the least on their Respective Homelotts, and Fence in or break up for plowing or Clear and Stock with English Grass five Acres of Land within three Years next after their Admittance, and Cause their Respective Lotts to be Inhabited and that the Grantees do within the Space of three Years from the time of their being Admitted, build & finish a Convenient Meeting house for the publick Worship of God and Settle a Learned orthodox Minister; And in Case any of the Grantees shall fail or Neglect to perform what is

<sup>1</sup> For "or" the State Library copy reads, "on." — Legislative Records of the Council, xvi., 276.

<sup>2</sup> "Whitman," in State Library copy, Legislative Records of the Council, xvi., 276.

<sup>3</sup> "Howard," in State Library copy, Legislative Records of the Council, xvi., 276.



Enjoyed, as above, The Com<sup>tee</sup> shall be Obligated to put the Bonds in Suit, and take possession of the Lotts, and Rights, that shall become forfeit, and proceed to Grant them to other persons that will Appear to fulfill the Conditions, within One Year next after the last mentioned Grant; the Com<sup>tee</sup> to take Care that there be Sixty three Houselotts laid out in as Regular Compact and Defensible a manner as the Land will Allow of; One of which Lotts shall be for the first Settled Minister, one for the Second Settled Minister, and one for the School, to each of which an Equal proportion of Land shall Accrue in all after Divisions.

The Com<sup>tee</sup> are further of Opinion that there be four Townships opened Upon the Rhoad betwixt Westfield and Sheffield; and that they be Contiguous to one another, and either Join to Sheffield or to the Township lately Granted to the proprietors of Sutfield, each of the Contents of Six Miles Square; and that they be Situated on or near the said Road, as the said Land will allow, and that there be Sixty three Houselotts laid out in each Township, one of which to be for the first Settled Minister, one for the Second Settled Minister, and one for the School, and one for each Grantee; which shall draw Equal Shares in all future Divisions; said Lotts to be laid out in as Regular compact and Defensible manner as may be, that so the Several persons whose names are Contained in Sundry petitions for Townships, to be laid out on or near said Road, which have not heretofore been Admitted Grantees, or Settlers, within the Space of Seven Years last past, of or in any other or former Grant of a Township or particular Grant, on Condition of Settlement, and that shall Appear to give Security to the value of Forty pounds, to perform all things on their Lotts and within the Respective Townships, wherein they are Admitted Settlers, in the Same manner as the Grantees in any of the Towns between the River of Connecticutt and Merrimaack, as aforesaid; and that there be a Com<sup>tee</sup> of five Suitable persons Appointed by this Court for the Service aforesaid and Impowred and Obligated, as is before provided for, with Respect to the bringing forward the line of Towns between the Rivers aforesaid

By order of the Committee

EDM<sup>D</sup> QUINCEY

Read and Accepted. [*Passed January 15.*]

## CHAPTER 231.

### ORDER ALLOWING £100 TO JN<sup>O</sup> WHEELWRIGHT.

A PETITION of M<sup>r</sup> John Wheelwright, Shewing that he has taken much pains and Spent much time in Serving the Government, in providing for the Governours Interview with the Western Indians, in Summing up the Lists of the Valuations of the Several Towns, and in Examining the Accompts of the Loans; And therefore praying for Some proper Allowance from this Court for the said Service.

Read &

*Ordered* that the sum of One hundred pounds be Granted and paid out of the publick Treasury to the Memorialist in full Consideration of the Services within mentioned and in Answer to this petition. [*Passed January 15.*]

Legislative  
Records of the  
Council, xvi.,  
278.

House Jour-  
nal, p. 224.

## CHAPTER 232.

## ORDER REMITTING A FINE OF £22. 10 TO THE TOWN OF NEEDHAM.

Legislative  
Records of the  
Council, xvi.,  
278.

Province  
Laws, ii., 726,  
chap. 13; 728;  
771, chap. 13;  
773.

A PETITION of John Fisher Esq<sup>r</sup> Represent<sup>a</sup> of the Town of Needham in behalf of said Town, Shewing that the said Town Apprehend<sup>d</sup> themselves not Obligated to Send a Represent<sup>a</sup> to the General Court, not knowing that the Law for enlarging the Number of Inhabitants in the Towns that are Enjoyed to Send Members to the Court was disannulled, by his Majesty; And therefore praying that the Fine Set on the said Town for not Sending a Represent<sup>a</sup> may be Remitted. Read &

*Ordered* that the prayer of the petition be Granted, and that the Sum of Twenty two pounds ten shillings be Granted and paid out of the publick Treasury, to the Select men of the Town of Needham, to Reimburse the said Town the like Sum they paid as a fine, for not Sending a Represent<sup>a</sup> the money to be paid into the Town Treasury for the Use of the Town.<sup>1</sup> [*Passed January 15.*]

## CHAPTER 233.

## ORDER IMPOWERING JAMES COOCHUCK INDIAN TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
278.

House Jour-  
nal, p. 224.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 198,  
chap. 163.

ON THE PETITION of James Coochuck, [*ante*, p. 198, chap. 169]  
Read and

*Ordered* that the Report hereunto Annexed<sup>2</sup> be Accepted, and that the pet<sup>r</sup> upon Observing the Directions provided by an Act made in the Sixth Year of the Reign of his late majesty, King George the first, Chap. 3<sup>d</sup> be & hereby is impowred to make Sale of the Forty Acres of land within mentioned & to Execute in due form of Law, a Deed thereof, to such person as will give most for the same; and Nathanael Harris Esq<sup>r</sup> and M<sup>r</sup> Ebenezer Allen are Desired & Impowred to Assist the pet<sup>r</sup> in the Sale of the premisses, and to see that Justice is done him therein; and that the proceeds thereof be Disposed of for the purposes mentioned in the petition. [*Passed January 15.*]

## CHAPTER 234.

ORDER IMPOWERING THE GUARDIANS OF THE HEIRS OF NATH<sup>l</sup> DOWSE TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
279.

House Jour-  
nal, pp. 224, 225.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ezekiel Cheever, Caleb Lampson, and Sarah Mousell, all of Charlestown in the County of Middlesex, Guardians to the Children of Thom<sup>s</sup> Mousell Deced, and James Godfrey and Sarah his wife, of Charlestown aforesaid; and Joseph Kidder of Boston and Dorothy his wife which said Sarah & Dorothy are Daughters of Nath<sup>l</sup> Dowse Deced, and the said Children of Thomas Mousell are Grand Children of the said Nath<sup>l</sup> Dowse; praying that the said Guardians may be Impowred to Join with the other pet<sup>rs</sup> in the Sale of two peices of Land in Charlestown & one Piece of Land in Medford, of which the said Dowse dyed Seized, the same being of little profit, as they ly and

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> The report is missing.

Uncapable of a Division, and Subdivision, without Spoiling or Greatly damaging the whole

Read &

*Ordered* that the prayer of the petition be Granted, and that the pet<sup>rs</sup> with the Guardians in behalf of the Minors and for their whole Right Title and Interest, are hereby fully Authorized and Impowred to make Sale of the Lands and premisses within mentioned for the most the same will fetch; the said Guardians to give Sufficient Caution to the Judge of Probate of Wills &c for the County of Middlesex, to Account for the Minors part of the produce of the Sale, and the Interest thereof, Annually, during their Minority and that the Capital Sum, with the Interest thereof if any there be, be paid them as they Respectively Arrive at Age or are Married; and the pet<sup>rs</sup> are also Authorized and Impowred to give and Execute in due form of Law a Good Deed or Deeds of sale and Conveyance of the premisses; and in proceeding in the Sale to Observe the Rules and Directions of the Act of this Province made and pass'd in the Sixth year of the Reign of his late Majesty King George Chap. 3<sup>d</sup> Relating to the Sale of Real Estates. [*Passed January 15.*]

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## CHAPTER 235.

ORDER OF NOTICE ON JOHN PALMER ESQ<sup>RS</sup> PETITION FOR LEAVE TO FILE A BILL IN EQUITY WITH STAY OF PROCEEDINGS.

A PETITION of John Palmer of Marblehead in the County of Essex, Shewing that in the Year 1726 One John Watts Mortgaged his House and Land in Marblehead aforesaid, Worth about £130 to One George Peel, to Secure the paym<sup>t</sup> of fifty pounds then due to him, that in the Year 1727 the said Watts dyed Intestate, that in the Year 1731 the said Peel sued the said Mortgage & took possession of the premisses, that in the Year 1734, within the time for Redemption the Adm<sup>r</sup> of the said Watts Sold the said Estate to the pet<sup>r</sup>, Subject Nevertheless to the said Mortgage; which the pet<sup>r</sup> was to Discharge but the said Peel being Dead, and the heirs minors they Could not give the pet<sup>r</sup> a Lawfull Discharge and therefore he brought his Suit Against them at the Common Law; but lost his Cause, because the Law allows only the Mortgagor and his heirs to bring their Action for Redemption, and not the purchaser And therefore praying Relief from this Court, that he may be Allowed to file his Bill in Equity in the Same manner, as the Mortgager himself or his heirs might have done before his purchase

Read and in Answer to this petition,

*Ordered* that the pet<sup>r</sup> Serve the Adverse party with a Copy of the petition, that they Shew Cause if any they have, on the first Tuesday of the next Sitting of the Court why the prayer thereof should not be Granted; and all proceedings on the Order for Sale of the Mortgaged premisses be Superseeded in the Meantime; and the petition is Referred accordingly. [*Passed January 15.*]

Legislative  
Records of the  
Council, xvi.,  
279.

House Jour-  
nal, pp. 223, 224.

## CHAPTER 236.

ORDER IMPOWERING THE ADM<sup>RS</sup> OF HENRY SEAGER JUN<sup>R</sup> DECD TO MAKE A SALE OF HOUSE AND LAND.

Legislative  
Records of the  
Council, xvi.,  
280.

House Jour-  
nal, pp. 216, 217.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ephraim and Isaac Williams Adm<sup>rs</sup> of Henry Seager jun<sup>r</sup> of Newton in the County of Middlesex deced, Caleb and Ruth Seager Children of the Deced that are of Age Job Seager, William Trowbridge, and Thomas Greenwood, Guardians of Ephraim Henry and Oliver Seager Minors, and the other Children of the Deced Shewing that the Estate of the said Deced Consists in a Dwelling house and four parcells of Land, lying in the said Town, of the value of about three hundred pounds, and Containing about thirty four Acres, that the Widow has Acquitted her Interest to the Children, that there is about Forty pounds debts due from the said Estate, for bringing up the said Children, and no personal Estate to pay it with and the said Caleb the Eldest son Refuses to have the Estate Settled upon him and pay the other Children their portions; And therefore Praying for Liberty to Sell the whole of the said Estate

Read &

*Ordered* that the prayer of the petition be Granted, and that the said Ephraim Williams and Isaac Williams Adm<sup>rs</sup> on the Estate of Henry Seager jun<sup>r</sup> deced be and hereby are fully Authorized to make Sale of the House and four parcells of land within mentioned for the Most the Same will fetch, and to Sign and Execute in due form of Law a Good Deed or Deeds of Sale and Conveyance thereof: and out of the proceeds thereof to pay and Discharge the Just debts of the said Deced; the Residue and Remainder thereof to be paid & Distributed to and Among the heirs and Lawfull Represent<sup>a</sup> of the deced Intestate in manner and proportion According to the Act of this province for the Settlement and Distribution of the Estates of Intestates, and in proceeding in the Sale to Observe the Rules and Directions of the Act of this Province of the Sixth Year of the late King George Chap. 3<sup>d</sup> Relating to the Sale of Real Estates. [*Passed January 15.*]

## CHAPTER 237.

## ORDER ALLOWING £800 TO THE AGENT IN ENGLAND.

Legislative  
Records of the  
Council, xvi.,  
280.

House Jour-  
nal, p. 224.

*Ordered* that the Sum of Eight hundred pounds be Granted and paid out of the publick Treasury to Francis Wilks Esq<sup>r</sup> Agent for this Province at the Court of Great Britain, or to his Order, for his Service in the Agency to the Thirtieth day of December last past. [*Passed January 15.*]

## CHAPTER 238.

## ORDER IMPOWERING THE HEIRS OF JOSH. SCOTTOW DECD TO SURVEY AND LAY OUT LAND.

Legislative  
Records of the  
Council, xvi.,  
280.

A PETITION of Habijah Savage Esq<sup>r</sup> and other heirs and Descendants of M<sup>r</sup> Joshua Scottow decd, Shewing that the said Joshua Scottow Advanced Several Sums for the Government in his life time, to the

value of more than two hundred pounds, besides his Charge in building Maintaining and Defending a Fort at Scarborough; for which Services and Expences the General Court made him a Grant of One Thousand Acres of Land, five hundred whereof to be taken up at Merriconeag Neck; which (as appeared afterward) had been formerly Granted to the College; and the other five hundred Acres was never taken up by the said Scottow or his heirs, So that they have had no benefit by the said Grant and therefore praying that this Court would please to make a Grant of so much Land to the petitioners, as is Equivalent to the benefit they might have Received by the said Thousand Acres, if it had been laid out to them

Read and in Answer to this petition,

*Ordered* that the pet<sup>rs</sup> heirs of the late Joshua Scottow deceased be and hereby are Allowed and Impowred to Survey and lay out Two Thousand Six hundred acres of the Unappropriated Lands of the province lying next to Some Town or Township, and two thirds thereof to the Eastward, and the other third to the Westward or two thirds to the Westward and the Other third to the Eastward; but if the pet<sup>rs</sup> Chuse to lay out the Grant in the Province of Mayne, they are hereby Allowed and Impowred to Survey & plat three Thousand Acres of the Unappropriated Lands there, Adjoyning to Some Township and Return a plat or plats thereof, to this Court within twelve Months for Confirmation to the pet<sup>rs</sup> their heirs & assigns to hold as follows, viz<sup>t</sup> to the heirs of Elizabeth Savage three fifths thereof, to the heirs of Rebecca Blackman One fifth, to the heirs of Mary Cheekley One fifth, Daughters of the said Joshua Scottow in full Consideration of all former Grants Debts & Claims whatsoever. [*Passed January 15.*]

House Journal, pp. 146, 216.

## CHAPTER 239.

### ORDER IMPOWERING SARAH BARRETT AND OTHERS AS GUARDIANS TO SELL LAND.

A PETITION of Sarah Barrett Guardian of Susanna Barrett Charles Coffin Guardian of Isaiah Barrett and John Barrett Guardian of Samuel Graves, Minors the two first of said Minors being Children and the other a Grand Child of Samuel Barrett late of Boston Shopkeeper deceased, Shewing that the said Samuel Barrett by his last will and Testament bequeathed to the said Minors three tenth parts of Certain Houses and Lands in Boston, which they hold in Common with the other Heirs, that the said Houses are much out of Repair, and it will be much more for the Advantage of the said Minors to have their Interest Sold and Converted into money; And therefore praying that the pet<sup>rs</sup> as Guardians, may be Impowred to Join with the other heirs in the Sale of the said Estate for the benefit of the s<sup>d</sup> Minors.

Read &

*Ordered* that the pet<sup>rs</sup> be and hereby are Allowed to make Sale of the Northeast part of the said Houses next the Mill bridge and Creek, they giving Security to the Judge of Probate for the County of Suffolk, that the Several parts and Shares of Susannah Barrett Isaiah Barrett and Samuel Greaves, Interested in said Houses, be Secured for them with the Interest and that the Several parts be delivered into the hands of their Respective Guardians, to be used and Employed for the use and benefit of the said Minors; and in Case any of them shall dye before their Arrival at Lawfull Age, his or her part of the premisses shall be Distributed to and Among the Survivours in Such manner as the said Houses and Lands would have been distributed, if they had not been

Legislative Records of the Council, xvi., 281.

House Journal, p. 216.  
Province Laws, II., 151, chap. 10.



sold; and in proceeding in the Sale, to Observe the Rules and directions of the Act of the province of the Sixth year of his late Majesty King George Chap 3<sup>d</sup> Relating to the Sale of Real Estates. [*Passed January 15.*]

## CHAPTER 240.

ORDER APPOINTING A COM<sup>TEE</sup> TO LAY OUT THE LINES OF TOWNS BETWEEN THE MERRIMAC AND CONNECTICUT RIVERS AND WESTFIELD AND SHEFFIELD.

Legislative  
Records of the  
Council, xvi.,  
282.

Mass.  
Archives, cxv.,  
837. House  
Journal, p. 227.  
*Ante*, p. 225,  
chap. 230.

In the House of Represent<sup>a</sup>

*Ordered* that Joseph Gerrish Benjamin, Prescott Josiah Willard Job Almy Esq<sup>rs</sup> M<sup>r</sup> Moses Pierson and Cap<sup>t</sup> Joseph Gold with Such as the Hon<sup>ble</sup> Board shall Join, be a Committee to all Intents and purposes to Effect the business projected by the Report of the Com<sup>tee</sup> of both Houses, to Consider the petitions for Townships which passed this day viz<sup>t</sup> on the proposed line between Merrimack and Connecticut Rivers, and on both Sides of Connecticut River; and that John Alden Esq<sup>r</sup> Cap<sup>t</sup> Stephen Skiffe and John Fisher Esq<sup>r</sup> with Such as the Hon<sup>ble</sup> Board shall Join be a Com<sup>tee</sup> to Effect the business above projected for the Townships on the Road between Westfield and Sheffield; and that there be Granted and Allowed to be paid out of the publick Treasury after the Rate of fifteen shillings *p* diem to each one of the Com<sup>tee</sup> for every day he is in the Service in the Woods and Subsistance, and ten shillings *p* diem for every day to each one of the said Com<sup>tee</sup> while in the Service in Admitting Settlers into the said Townships and Subsistance to be paid as aforesaid.

In Council Read & Concurr'd & William Dudley, Samuel Welles, Thomas Berry, Joseph Wilder and John Chandler jun<sup>r</sup> Esq<sup>rs</sup> are Joined with the Com<sup>tee</sup> of the House for the line between Merrimack and Connecticut Rivers &c<sup>1</sup> and Edmund Quincey & Ebenezer Burrill Esq<sup>rs</sup> with the Com<sup>tee</sup> on the other line. [*Passed January 16.*]

## CHAPTER 241.

ORDER OF NOTICE ON THE PETITION OF BENJ<sup>a</sup> BUNKER JUN<sup>r</sup> ADMINISTRATOR, FOR STAY OF PROCEEDINGS.

Legislative  
Records of the  
Council, xvi.,  
282.

House Jour-  
nal, pp. 221, 222.

A PETITION of Benjamin Bunker jun<sup>r</sup> of Boston Tinnan Adm<sup>r</sup> to the Estate of his Mother in Law Martha Chamberlain of Boston deced Intestate Shewing that the said Martha died at the house of her Youngest Daughter who had possession of her personal Estate and Refused to deliver it to the pet<sup>r</sup> after he took Adm<sup>con</sup>, and Obliged him to bring his Action in the Law Against her and her husband, for the Recovery thereof, which are not yet Determined that the pet<sup>r</sup> has been Sued by Hugh Hall Esq<sup>r</sup> for part of the Funeral Charges of the Intestate (which the pet<sup>r</sup> is not able to pay, because he is kept out of the Estate) and M<sup>r</sup> Hall has got Judgment Against him; Praying that Execution thereon may be Stop'd till he can Recover his Intestates Estate

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adverse party with a Copy of the petition, that he Shew Cause if any he have on the first Fryday of the next Sitting of the Court, why the prayer thereof Should not be

<sup>1</sup> This order ends here in Mass. Archives, cxv., 839, and no signature appears.

Granted; and all further process on the Actions Commenced Ag<sup>st</sup> him as within mentioned be and hereby are Stayed in the mean time and the petition is Referred Accordingly. [*Passed January 16.*]

## CHAPTER 242.

### ORDER IMPOWERING ROBT & MARY WILSON AS GUARDIANS TO SELL LAND.

A PETITION of Robert Wilson of Salem in the County of Essex, Surviving son of Robert Wilson of Salem aforesaid Deced<sup>d</sup> & of Mary Wilson Widow of Isaac Wilson dec<sup>d</sup> the other son of the said Robert for themselves and as Guardians to their Children praying that they may be Impoured to sell five Acres of Upland and a Quarter of an Acre of Marish left them by the said Robert Wilson, in such manner as they Apprehend they have not power to Dispose of it, without the Aid of this Court, which land is Situate at or near Castle Hill in Salem, and so hem'd in by land belonging to Benjamin Lynde Esq<sup>r</sup> and other proprietors that it is but of little<sup>a</sup> profit to the pet<sup>rs</sup> or his Children

Read &

*Ordered* that the prayer of the petition be Granted, and that the pet<sup>rs</sup> Robert Wilson and Mary Wilson (Attending the Directions of the Law of this petition Impowring Executors & admors to Sell Land & other Real Estate) be and hereby are notwithstanding any thing Contained to the Contrary in the last will and Testament of the Father Robert Wilson within named, fully Authorized and Impowred to make Sale of the five Acre lot of Upland within mentioned and Execute in due form of Law a Deed for the Conveyance thereof to any person that will give most for the Same, the produce thereof to be disposed of as follows viz<sup>t</sup> the Improvement & Income of One half thereof to the said Robert Wilson, for the Term of his Natural life, he giving bond with Sufficient Suretys to the Judge of Probate for the County of Essex, that his Executors or Admors shall at his decease pay the principal sum to his Children, that shall Survive him, (saving to his Widow in Case he should leave any the Improvement or Income of one third part thereof during her Natural life She giving Bond Agreeable to the direction of y<sup>e</sup> Law to the Judge of Probate for said County) the Improvement or Income of One third part of the other half to the said Mary Wilson, for the Term of her Natural life, She also Giving Bond to the said Judge with Sufficient Suretys that her Executors or admors shall at her decease pay back the principal of what she Receives to the Children of her late Husband Isaac Wilson or their Legal Represent<sup>a</sup> and the Remaind<sup>r</sup> of the half last mentioned to be put into the hands of such Guardian or Guardians as the aforesaid Judge shall Appoint for the Children of the said Isaac Wilson & by them to be let out on Interest for the said Childrens benefit during their Minority; and the principal to be paid them as they Respectively Arrive at Age or at the time of Marriage Or in Case it should so happen that the said Robert Wilson should dye without Children of Eighteen Years of age or the Children of the said Isaac should dye Before they had Attained that Age, then the whole of the produce of the premisses (after the expiration of the Respective Widows Terms,) shall go to the Surviving Grand Children of the before named Robert Wilson, Agreeable to the Directions of the said Will or to their Legall Represent<sup>a</sup> According to the Law of this Province for the Distribution of the Estates of Intestates. [*Passed January 16.*]

Legislative  
Records of the  
Council, xvi.,  
284.

House Jour-  
nal, pp. 228, 229.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 243.

ORDER IMPOWERING WM BUTTERFIELD TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
284.

House Jour-  
nal, p. 187.

A PETITION of William<sup>1</sup> Butterfield of Chelmsford, praying for a Grant of the Unappropriated Land of the province in Consideration of his Great Losses & Sufferings in his Captivity Among the French and Indians and the Great Charge he was at for his Ransom, as well as for his Service in Killing an Indian in the Year 1735

Read and the Facts being well Vouched

*Ordered* that the pet<sup>r</sup> have leave by a Survey<sup>r</sup> and Chainmen on Oath to Survey and lay out, three hundred Acres of the Unappropriated Lands of the Province Adjoining to Some Town and Return a plat thereof to this Court within twelve Months for Confirmation, to him his heirs and Assignes, Provided he or they within three Years from the Confirmation of the Grant Settle a Family thereon and also Build a Dwelling house of Eighteen feet Square and Seven feet Stud at the least, and Clear fence in, and bring to Six acres thereof by plowing or Stocking the same with English Grass. [*Passed January 16.*]

## CHAPTER 244.

ORDER ALLOWING £50 FOR LAYING OUT EACH OF THE NEW TOWNS.

Legislative  
Records of the  
Council, xvi.,  
285.

House Jour-  
nal, p. 230.  
*Ante*, p. 232,  
chap. 240.

*Ordered* that the sum of Fifty pounds for the laying out and bringing forward the Settlement of each and every the New Townships latly Granted and Ordered by this Court to be laid out at the Charge of this Province be Advanced and paid out of the publick Treasury to each of the Com<sup>tees</sup> Appointed to lay out the Same, Each Com<sup>tee</sup> to be Accountable for the Sums they shall Respectively Receive. [*Passed January 16.*]

## CHAPTER 245.

ORDER OF NOTICE ON THE PETITION OF DANIEL DRAPER &amp; OTHERS OF DEDHAM TO BE ANNEXED TO THE CLAPBOARD TREES PRECINCT.

Legislative  
Records of the  
Council, xvi.,  
285.

House Jour-  
nal, p. 230.  
*Ante*, p. 210,  
chap. 195.

A PETITION of Daniel Draper, Nathanael Colburn, Timothy Draper, Daniel Draper jun<sup>r</sup>, Richard Ellis, and Ebenezer Kingsberry, praying that a Com<sup>tee</sup> of this Court may be Sent to View their Situation and Circumstances in Order to their being Dismissed with their Estates from the South precinct in Dedham, & Annexed to their Neighbours latly Settled at the place Called the Clapboard Trees.

Read &

*Ordered* that the pet<sup>rs</sup> Serve the South precinct in the Town of Dedham with a Copy of this petition, that they Shew Cause if any they have, on the first Fryday of the next Sitting of this Court, Why the prayer thereof should not be Granted. [*Passed January 16.*]

<sup>1</sup> "Samuel," in the House Journal, p. 187.

## CHAPTER 246.

ORDER APPOINTING A COM<sup>TEE</sup> FOR LAYING OUT THE TOWN TO J<sup>N</sup><sup>O</sup>  
SIMPSON & OTHERS.

ON THE PETITION of John Simpson and others [*ante*, p. 224, chap. 228]

In the House of Representatives

*Ordered* that Cap<sup>t</sup> William Collins & m<sup>r</sup> Ebenezer Parker with such as Shall be Joynd by y<sup>e</sup> Hono<sup>ble</sup> Board be a Committee to take a plat of y<sup>e</sup> Within Township, & Effectuall Care y<sup>t</sup> y<sup>e</sup> Same be brought forward to all Intents & purposes Agreeable to the Conditions of y<sup>e</sup> Grant

In Councill Read & Concurr'd & W<sup>m</sup> Dudly Esq<sup>r</sup> is Joynd in y<sup>e</sup> Afair. [*Passed January 16.*<sup>1</sup>]

Legislative  
Records of the  
Council, xvi.,  
285. Mass.  
Archives, cxv.,  
841.

Mass.  
Archives, cxv.,  
841-843. House  
Journal, p. 231.  
*Ante*, p. 224,  
chap. 228.

## CHAPTER 247.

ORDER OF NOTICE ON THE PETITION OF DIVERS INHAB<sup>TS</sup> OF MARSH-  
FIELD & SCITUATE TO BE ERECTED INTO A PRECINCT AND REFER-  
RING THE SAME.

A PETITION of Nathanael Eames and a Great Number of other In-  
habitants of the Northerly part of Marshfield, and the Southerly part  
of Situate Calld the two Miles, Setting forth their Difficultys in Attend-  
ing the publick Worship of God in their Respective Towns, and pray-  
ing to be Erected into a Precinct or that the pet<sup>rs</sup> belonging to Situate  
may be Joined to Marshfield, and two Ministers Supported by marsh-  
field by a General Tax

Read and

*Ordered* that the pet<sup>rs</sup> Serve the Town of Marshfield and the Upper  
precinct in Scituate with Copys of this petition that so they may Give  
in their Answers on the first Fryday of the next May Session And the  
petition is Referr'd to that time for further consideration. [*Passed  
March 18.*]

Legislative  
Records of the  
Council, xvi.,  
288.

House Jour-  
nal, p. 235.

## CHAPTER 248.

ORDER REFERRING THE PETITION OF CONCORD &c.

ON THE PETITION of Divers Inhabitants of Concord Weston & Lex-  
ington &c [*ante*, p. 169, chap. 98]

*Ordered* that the Consideration of this petition be Referr'd to the  
next May Session and that the Com<sup>tee</sup> then make their Report. [*Passed  
March 18.*]

Legislative  
Records of the  
Council, xvi.,  
288.

House Jour-  
nal, pp. 113, 119,  
126, 190, 203, 236.  
*Ante*, p. 163,  
chap. 98.

<sup>1</sup> Adjourned to March 17. See Legislative Records of the Council, xvi., 286.

## CHAPTER 249.

ORDER ON MARTIN DETCHEVERYS PETITION FOR LEAVE TO BRING  
AN APPEAL.

Legislative  
Records of the  
Council, xvi.,  
288, 289.

House Jour-  
nal, p. 239.

A PETITION of Martin Detchevery of Cape Francois Merchant, Shewing that he Arrived in this province in the Year 1734, Where he is come to Recover Several Debts due to him to a Considerable Value, that he was presented at the last Court of General Sessions of the peace for the County of Suffolk for an abuse Alledged to be offered by him to One Margery Perry, that the Trial was so long Deferr'd contrary to his Desire, that it was too late for him to Appeal to the Court of Assize, held in February last from the Sentence given against him by the Court of Sessions, where he was found Guilty of the said Fact with which he was Charged, And therefore praying that his Appeal which he made to the Court of Assize to be held in August next may be tried at the Adjournment of said Court in April next.

Read &

*Ordered* that the prayer of this petition be Granted and the pet<sup>r</sup> is Accordingly hereby Allowed to prosecute the Appeal herein Mentioned, at the Court of Assize and General Goal Delivery to be held at Boston within and for the County of Suffolk on the Seventeenth day of April next by Adjournment ; And the Justices of the said Court are Impowred & directed then to hear and Determine the Same ; and the Clerk of the Court to Issue out Venuries in the meantime for Summoning Jurors to try the said Cause the pet<sup>r</sup> to pay any Extraordinary Charge that may be Occasioned by the said Trial, as the said Court shall Judge Reasonable the pet<sup>r</sup> to file his Reasons of Appeal in the said Cause in the Clerks office of the said Court and Notify John Overing Esq<sup>r</sup> of this Order at least fourteen days before the Sitting of the Court. [*Passed March 19.*]

## CHAPTER 250.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO REV. JOHN  
HALES HEIRS.

Legislative  
Records of the  
Council, xvi.,  
289. Maps and  
Plans, Mss.,  
ix., 23.

Maps and  
Plans, Mss.,  
ix., 23. House  
Journal, p. 258.  
*Ante*, p. 89,  
chap. 190.

A PLAT of three hundred Acres of Land in the Township of Methuen laid out by Richard Hazzen Survey<sup>r</sup> & Chain men on Oath to fulfill a Grant by this Court made to the Heirs of the Rev<sup>d</sup> M<sup>r</sup> John Hale *deced*, begining at a pitch pine tree Mark'd on Haverhill line Which is also the bounds of Woodburys farm and the Northeast Corner of this Grant ; thence Runing South and Joining on Haverhill line two hundred and Sixty poles to a Swamp White Oak Mark'd, being the Corner bounds of the Land laid out to John Choat Esq<sup>r</sup> thence Runing about West and Joining on said Choats Land about One hundred and Eighty five poles to a Stake & Stones ; thence North on Province line two hundred & Sixty poles to another Stake & Stones ; Thence East Joining on Woodburys Farm One hundred and Eighty five poles to the place first mentioned

Read &

*Ordered* That the plat be Accepted and the Lands therein delineated and described be and hereby are Confirmed to the Heirs of the late Reverend M<sup>r</sup> John Hale of Beverly deceased, their heirs & assigns respectively for Ever, provided the plat exceeds not the quantity of three hundred Acres of Land, and does not interfere with any former Grant. [*Passed March 19.*]



## CHAPTER 251.

## ORDER CONFIRMING A PLAT OF 600 ACRES OF LAND TO CAPT JOHN MILES HEIRS.

A PLAT of Six hundred Acres of land laid Out by John Ashley Surveyor & Chainmen on oath, to fulfill a Grant made by this Court to the heirs of Cap<sup>t</sup> John Miles deced, lying on Housatanuck Road, near a pond Called twelve Mile pond; bounded Easterly on land laid out to Richard Cutt Esq<sup>r</sup> begining at a black Ash tree Marked being the Northeast Corner of said Pond; thence Runing South 40 Deg<sup>rs</sup> West three hundred and twenty Rods to a Red Oak tree Mark'd Standing on a flat hill, thence Runing West 40 Deg<sup>rs</sup> North three hundred Rods to a Beach tree Mark'd Standing on the South West Side of a Small hill thence North 40 Deg East three hundred and twenty Rods to a Chesnut tree Marked, Standing on the South West side of a flat Chesnutt Hill, thence East 40 Deg: South to the first mentioned Tree

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described are confirmed to the said John Myles sarah price and Anne Creese Children and Heirs of the said John Myles deceased their Heirs And Assigns respectively for ever, provided it exceeds not the Quantity of Six hundred Acres of Land And does not interfere with any former Grant. [*Passed March 19.*]

Legislative  
Records of the  
Council, xvi.,  
289. Maps and  
Plans, Mis.,  
ix., 22.

Maps and  
Plans, Mis.,  
ix., 22. House  
Journal, p. 238.  
*Ante*, p. 102,  
chap. 221.

## CHAPTER 252.

## ORDER IMPOWERING JOSIAH MARSHALL &amp; OTHERS TO SELL LAND.

A PETITION of Josiah Marshall, Benjamin and Mary Soper, Thomas and Deliverance Baxter, and Ebenezer Heath, Shewing that their Grandfather Edmund Sheffield Settled an house & five Acres of land in Brantry, bounding Northerly on the highway, on the pet<sup>rs</sup> father and mother John and Mary Marshall and after their Decease to their Children Lawfully begotten, and their heirs and Assignes; and for as much as the said Land cannot be divided Among the pet<sup>rs</sup> without damage and the pet<sup>rs</sup> are all desirous to Sell it, praying that they may be Impowred by this Court to Sell the said Land, the part of the said Heaths Children (being minors) to be Employed for their benefit

Read and

*Ordered* that the prayer of the petition be Granted; and the pet<sup>rs</sup> are hereby Authorized and Impowred to make Sale of the House and Land and premisses within mentioned, for the Most the same will fetch, and to pass and Execute in due form of Law a Good Deed or Deeds of Sale and Conveyance thereof, as well the said Minors parts and proportions, as the Rest, and herein the pet<sup>rs</sup> are directed to proceed Agreeable to the Act of this province of the Sixth Year of his late Majesty King George Chap. 3<sup>d</sup> Relating to the Sale of Real Estates; Provided Nevertheless, that the pet<sup>r</sup> Ebenezer Heath be & hereby is obliged to give full and Sufficient Caution to the Judge of Probate for the County of Suffolk for the Minors parts of the purchase money, that it be put under Improvement on Interest, which Interest shall be duly & Annually paid to the Lawfull Guardian or Guardians of the said Minors for their

Legislative  
Records of the  
Council, xvi.,  
290.

House Jour-  
nal, pp. 236, 237.  
Province  
Laws, ii., 151,  
chap. 10.

use during their Minority, or Until Marriage; the principal to be paid them as they shall Respectively Arrive at Age or be Married. [*Passed March 19.*]

## CHAPTER 253.

### ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO THE HEIRS OF CAP<sup>t</sup> RAYMENT &c.

Legislative  
Records of the  
Council, xvi.,  
291. Maps and  
Plans, Mis.,  
ix., 14.

Maps and  
Plans, Mis.,  
ix., 14. House  
Journal,  
pp. 240, 241.  
*Ante*, p. 144,  
chap. 41.  
*Infra*, chap.  
254.

A PLAT of a Tract of Land laid out by William Gregg Survey<sup>r</sup> and Chain men Under Oath, of Six Miles Square, to fulfill a Grant of a Township, made by this Court to the officers and Soldiers in the Canada Expedition under Cap<sup>t</sup> William Rayment &c lying on the West Side of Merrimack River Adjoyning to the South side of the Township Surveyed by Jer. Cummins

Read and

*Ordered* That the plat be Accepted, and the Lands therein delineated and described be and hereby are confirmed to the Heirs, descendants, or lawfull Representatives of the said Cap<sup>t</sup> William Rayment late of Beverly deceased and the other Grantees mentioned in the petition of Robert Hale Esq<sup>r</sup> in their behalf passed this Court in their late Sitting; and to their Heirs and assigns respectively for Ever, provided the plat exceeds not the quantity of Six Miles square; And Sixteen hundred and forty two Acres Allowed for swag of Chain and bad land within the Tract, and does not interfere with any former Grant, provided also the petitioners & Grantees their heirs or assigns comply with the conditions of the Grant. [*Passed March 20.*]

## CHAPTER 254.

### ORDER FOR ASSEMBLING THE GRANTEES OF A TOWNSHIP GRANTED TO HEIRS OF CAP<sup>t</sup> WILLIAM RAYMENT &c.

Legislative  
Records of the  
Council, xvi.,  
291.

House Jour-  
nal, p. 241.  
*Supra*, chap.  
253.

*Ordered* that Robert Hale Esq<sup>r</sup> be and hereby is fully authorized and Impowred to Call the first Meeting and Assemble the Grantees of the Town<sup>1</sup> lately Granted to the heirs and Lawfull Represent<sup>a</sup> of Cap<sup>t</sup> William Rayment deced and other Grantees &c in Some Convenient time and place to Chuse a Moderator and Clerk and pass such Votes and Orders as they may Judge Necessary for Compliance with the Conditions of the Grant and how future Meetings shall be Called. [*Passed March 20.*]

## CHAPTER 255.

### ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO JOHN SIMPSON &c.

Legislative  
Records of the  
Council, xvi.,  
291. Maps and  
Plans, Mis.,  
ix., 17.

Maps and  
Plans, Mis.,  
ix., 17. House

A PLAT of a Township of Six Miles Square, Granted by the General Court to John Simpson & others, Surveyed by Jarahmeel Cummins & Chaimmen on oath; beginning at a Beach tree, being one of the Corners of the Narraganset Town Number five, and in the North line of the Narraganset Town Number three, thence Runing West 2 deg South by the said Town Number three four Miles and three Quarters to the

<sup>1</sup> This township was called Weare, New Hampshire.

North West Corner of the said Township, then on the same Course One Mile & One hundred & twenty Rods, to a Birch tree ; thence North two deg : West by Province lands Six Miles & forty two Rods, to a White pine tree Mark'd ; Thence South 2 deg : east partly by province Land & partly by the Narraganset Town Number five to the Beach first mentioned

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described be and hereby are confirmed to the said John Simpson, and the other Grantees mentioned in their petition passed the last Sitting of the Court their heirs & assigns respectively for ever provided the plat exceeds not the quantity of Six Miles square, and One thousand acres of Land an allowance for ponds within the Tract, and does not interfere with any other or former Grant, provided also the petitioners their heirs or assigns comply with the conditions of the Grant. [*Passed March 20.*]

Journal, p. 240.  
*Ante*, p. 235,  
chap. 246.  
*Infra*, chap.  
256.

## CHAPTER 256.

### ORDER FOR MEETING OF GRANTEES OF TOWNSHIP GRANTED TO JOHN SIMPSON AND OTHERS.

*Voted* That John Simpson and the other Grantees, of the Contents of Six Miles Square for a Township<sup>1</sup> pass'd this Court at their last Session be and hereby are fully Authorized when they give Bonds to the Com<sup>tee</sup> Appointed to Assemble and Chuse a Moderator and Clerk and pass such Votes and orders as they may See Necessary for their Compliance with the Terms of the Grant and how and where future Meetings of the Proprietors shall be Called And the said John Simpson is fully Impowred to Call the first Meeting. [*Passed March 20.*]

Legislative  
Records of the  
Council, xvi.,  
292.

House Jour-  
nal, p. 240.  
*Ante*, p. 224,  
chap. 228.  
*Supra*, chap.  
255.

## CHAPTER 257.

### ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO IPSWICH INHAB<sup>ts</sup>.

A PLAT of a Tract of Land laid out by Jonas Houghton Survey<sup>r</sup> and Chainmen on Oath to fulfill a Grant of Six Miles Square of Land for a Township made by the General Court to the Inhabitants of the Town of Ipswich Bordering Southerly on a Township laid out to Tileston & others Canada Soldiers and adjoining to the Town of Townshend

Read and

*Ordered* That the within plat be and hereby is Accepted as it is reformed by the prickt lines within Set forth so as the township adjoins to Townshend and the Lands within Mentioned and so described are Confirmed to the Grantees mentioned in the Grant of the township made by this Court in their late Sitting to sundry Inhabitants of the Township, of Ipswich on the prayer of John Wainwright and John Choat Esq<sup>rs</sup>; and to their heirs and assigns respectively for Ever they performing the Conditions of the Grant provided the plat exceeds not the quantity of Six Miles square of Land and does not interfere with any former Grant. [*Passed March 20.*]

Legislative  
Records of the  
Council, xvi.,  
292. Maps and  
Plans, Mis.,  
ix., 6.

Maps and  
Plans, Mis.,  
ix., 6. House  
Journal, p. 242.  
*Ante*, p. 225,  
chap. 229.

<sup>1</sup> This township was called New Boston, New Hampshire.

## CHAPTER 258.

ORDER DIRECTING THE NAMES OF THE HEIRS OF JOHN FISH TO BE  
ADDED TO THE NARRAGANSETT LIST.

Legislative  
Records of the  
Council, xvi.,  
293.

House Jour-  
nal, p. 241.  
*Ante*, p. 108,  
chap. 236.

A PETITION of John Fish<sup>1</sup> of Hadham in the Colony of Connecticut Praying for Some Consideration from this Court on the Account of the Services & Sufferings of his Father John Fish<sup>1</sup> late of Wenham deceased in the War against the Indians in the Company under the Command of Cap<sup>t</sup> Lothrop

Read &

*Ordered* that the heirs and Lawfull Represent<sup>a</sup> of the said John Fish<sup>1</sup> deced be Entitled to An Equal Share in the Narragansett Claims and to be Inserted in the Narragansett Lists now taking in the Room of any Claim which has been Accidentally twice Entred. [*Passed March 20.*]

## CHAPTER 259.

ORDER IMPOWERING THO<sup>s</sup> TILESTON TO SURVEY AND LAY OUT 220  
ACRES LAND.

Legislative  
Records of the  
Council, xvi.,  
300. Mass.  
Archives,  
xlvi., 66.

Mass.  
Archives,  
xlvi., 65–68.  
House Jour-  
nal, p. 296.

A PETITION of Thomas Tilestone praying for a Grant of Land in consideration of his Services Against the Indians & French, in Several Marches & Expeditions

Read And

*Ordered* that the Petitioner have Leave by a Surveyor and Chainmen on Oath to Survey and lay out Two Hundred Acres of the unappropriated Lands of the Province adjoining to Some former Grant and return a plat thereof to this Court within Twelve months for Confirmation to the Petit<sup>t</sup> his Heirs and Assigns, provided he or they do within the Space of three Years break up bring to, and fit for mowing and plowing and well inclose Six Acres of the Granted premisses and build an House thereon of Eighteen feet Square and Seven feet Stud at the least, and have a Family actually dwelling thereon within Said Term. [*Passed March 20.*<sup>2</sup>]

## CHAPTER 260.

ORDER APPOINTING A COMMITTEE ON THO<sup>s</sup> & ZABADIAH ASTINS PETI-  
TION FOR LEAVE TO PURCHASE LAND.

Legislative  
Records of the  
Council, xvi.,  
293.

House Jour-  
nal, pp. 238, 241.  
*Ante*, p. 212,  
chap. 197.

A PETITION of Thomas & Zabadiah Astin of Methuen, Shewing that they being Reduced to great Difficultys Adventured to Settle upon a Tract of Province Land in said Town, Consisting of about One hundred and thirty Acres, and have Built and made Considerable Improvements thereon; Since which this Court have Granted Seventy Acres of said Land to M<sup>r</sup> Thomas Chandler, and if he should take the same it would be Ruinous to the pet<sup>ts</sup> And therefore praying that M<sup>r</sup> Chandler may take his land in Some other place and that the lands first mentioned may be Confirmed to the Pet<sup>ts</sup> on such Terms as may be thought proper

Read &

<sup>1</sup> The House Journal, p. 241, reads, "*John Fisk.*"

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvi., 300, the date is March 25.



*Ordered* that Richard Saltonstal Esq<sup>r</sup> be desired to Repair to the Land petitioned for, to be purchased that he Carefully view the Same and Report his Opinion of the Value thereof Exclusive of Improvements or Buildings to this Court; in their next May Sessions and this petition is Referred for Consideration Accordingly. [*Passed March 23.*]

## CHAPTER 261.

### ORDER IMPOWERING JOS. EPHRAIM JUN<sup>R</sup> & AND<sup>R</sup> ABRAHAM JUN<sup>R</sup> INDIANS, TO SELL LAND.

A PETITION of Joseph Ephraim jun<sup>r</sup> of Natick and Andrew abraham jun<sup>r</sup> of Grafton Indians, Shewing that they are Proprietors of a parcell of Land containing about Forty four Acres, which is Undivided, and which they cannot Improve to Advantage; And therefore praying that this Court would Grant them leave to Sell the Same The produce to be laid out in Building and finishing Comfortable Houses for the pet<sup>rs</sup> and purchasing of Cattle and Utensils for Husbandry & Improvement of their Lands at Natick

Legislative  
Records of the  
Council, xvi.,  
294.

House Jour-  
nal, pp. 231, 232.  
Province  
Laws, ii., 151,  
chap. 10.

Read &

*Ordered* that the prayer of the petition be Granted, and the pet<sup>rs</sup> are Accordingly hereby Allowed and Impowred to make Sale of the said Forty four Acres of land in Grafton for the Most the same will fetch and to Give and Execute in due form of Law a Good Deed or Deeds of Sale or Conveyance thereof, and in proceeding therein to Observe the Rules and directions in the Act of this Province made in the Sixth Year of his late Majesty King George Relating to the Sale of Real Estates Chap 3<sup>d</sup> and Francis Fullam Esq<sup>r</sup> & M<sup>r</sup> Eben<sup>r</sup> Allen are also hereby fully Authorized and Impoured to see Justice done to the said Indians in the Sale of the said Lands, and also that the proceeds thereof be duly & truly Applied to and for the use and purposes set forth in the petition. [*Passed March 23.*]

## CHAPTER 262.

### VOTE IN REGARD TO AGENT WILKS ACCO<sup>T</sup>.

AN ACCOMPT presented by Francis Wilks Esq<sup>r</sup> Agent for this Province in London of his Disbursements for this province from the 24<sup>th</sup> July 1734 (when the last Acco<sup>t</sup> ended) to the 20<sup>th</sup> of September 1735 Amounting to the sum of £191. 4. 7.

Legislative  
Records of the  
Council, xvi.,  
294.

House Jour-  
nal, p. 129  
(December,  
1734); pp. 99,  
178. *Id.*,  
p. 88, chap.  
186.

Read & for as much as it Appears that on the 18<sup>th</sup> day of December 1734, After M<sup>r</sup> Wilks's last Accompt of Disbursements was allowed there was in his hands the Sum of Ninety pounds one Shilling and Seven pence Sterl<sup>g</sup> that on the Thirty first of the same Month the further Sum of Five hundred pounds Sterling was Ordered to be Remitted to him, both which Sums make five hundred & Ninety pounds One Shilling & Seven pence of which he has Expended in the Service of the Province the Sum of One hundred & Ninety One pounds four shilling's & Seven pence as by his Account of Disbursements of the 20<sup>th</sup> of September last appears

*Voted* That M<sup>r</sup> Agent Francis Wilks Esq<sup>r</sup> have Credit in his Acco<sup>t</sup> Currant with this Province for the said sum of One hundred and Ninety one pounds four shilling's and Seven pence Sterl<sup>g</sup>, and that he further



Account for the Ballance now Remaining in his hands being Three hundred and Ninety Eight pounds Seventeen shillings Sterling, besides the Seven hundred pounds which is in his hands for the use of the House of Represent<sup>a</sup> which he is Accountable to them for. [*Passed March 23.*]

## CHAPTER 263.

### ORDER REFERRING THE PETITION OF INHAB<sup>TS</sup> OF REHOBOTH & BARRINGTON.

Legislative  
Records of the  
Council, xvi.,  
234.

ON THE PETITION of Divers Inhabitants of Rehoboth & Barrington [*ante*, p. 213, chap. 201]

Read &

House Jour-  
nal, p. 248.  
*Ante*, p. 213,  
chap. 201.

*Ordered* that the Consideration of this petition be Referred to the Second Wednesday of the next May Sessions. And that the Town of Swansey then give in their Answer thereto. [*Passed March 23.*]

## CHAPTER 264.

### ORDER LIMITING THE TAX ON UNIMPROVED LANDS TO THE SOUTH PART OF WORCESTER ONLY.

Legislative  
Records of the  
Council, xvi.,  
236.

House Jour-  
nal, p. 242.  
*Ante*, p. 216,  
chap. 201.

A PETITION of John Chandler jun<sup>r</sup> Esq<sup>r</sup> in behalf of the Selectmen of the Town of Worcester for the last Year Shewing that whereas by their petition to this Court, Referred at the last Sitting thereof, they Represented that the Non Resident proprietors had paid no more than One hundred pounds towards the Settlement and Support of the Ministry And thereupon Obtained an Order for laying a Tax of One penny p Acre on all the Unimproved lands in the said Town for the Support of the Minister there the said Represent<sup>a</sup> was made by Mistake. It now Appearing that the said Proprietors have paid many hundreds of pounds for the uses aforesaid; And therefore praying that the said Tax of One penny p Acre may be Restrained to the Southerly part

Read and

*Ordered* that the prayer of the petition be Granted, and the Tax of One penny p acre within mentioned is hereby Restrained to the Unimproved Lands of the Nonresident Proprietors of the South part of Worcester only; which is to be Applied for the better Support of the Rev<sup>d</sup> Minister of that part of the Town and for no other use, as as<sup>1</sup> An addition to his Salary, and the former Order for a Tax on the Non Resident Proprietors in General is hereby Superceeded and Declared Null and Void. [*Passed March 24.*]

## CHAPTER 265.

### ORDER CONFIRMING A PLAT OF A NEW TOWN ABOVE BERWICK.

Legislative  
Records of the  
Council, xvi.,  
237.

House Jour-  
nal, p. 250.

A PLAT of the Lotts laid out in the New Township above Berwick, Granted by the General Court with the names of the Several persons to whom they are allotted laid out by Joseph Chadburn Survey<sup>r</sup> and Chammen on Oath

<sup>1</sup> *Sic.*

Read &

*Ordered* that the plat be Accepted and the Lands therein Delineated and Described be and hereby are Confirmed to the Grantees within named, their heirs and Assignes Respectively forever, they fully complying with the Conditions of the Grant; provided the plat exceeds not the Quantity of Six Miles Square and does not Interfere with any former Grant.<sup>1</sup> [*Passed March 24.*]

Province  
Laws, xl., 778,  
chap. 174.  
*Infra*, chap.  
267.

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## CHAPTER 266.

### ORDER ANNEXING DEDHAM S<sup>O</sup> INHAB<sup>T</sup>S TO THE CLAPBOARD TREES PRECINCT.

ON THE PETITION of Daniel Draper and others Inhabitants of the South Precinct in Dedham [*ante*, p. 234, chap. 245]

Legislative  
Records of the  
Council, xvi.,  
297.

Read and the partys Attending were Admitted into the House, and being heard to make their pleas and Allegations for and Against the prayer thereof they withdrew And the House having fully Debated and Considered the Same

House Jour-  
nal, p. 247.  
*Ante*, p. 234,  
chap. 245.

*Voted* that the pet<sup>rs</sup> with their Estates from and after the Term of three Years from this time be and hereby are Dismissed from the South Precinct, in Dedham and for the future be Annexed and Accounted as part of the Society of their Neighbours at the Clapboard Trees to do duty with them in the Support of the Ministry in that part of Dedham as well as other Ministerial Charges there. [*Passed March 24.*]

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## CHAPTER 267.

### ORDER ALLOWING THE ACCOUNT OF THE COMMITTEE FOR LAYING OUT THE LOTS IN THE NEW TOWN ABOVE BERWICK.

AN ACCOUNT presented by William Pepperill Esq<sup>r</sup> of money Received by the Committee for Lotts in the New Township above Berwick the Ballance whereof is £109. 8. 10.

Legislative  
Records of the  
Council, xvi.,  
297.

Read and

*Ordered* that William Pepperill Esq<sup>r</sup> the Chair man of the Com<sup>tee</sup> for Settling and Admitting the Grantees in the New Township at the head of Berwick in the County of York, be and hereby is Impoured to let out the Ballance of the within Account (<sup>2</sup>being One hundred and Nine pounds Eight Shillings & ten pence in favour of the Grantees of the said Township) on Interest on good Security; And when the said Grantees have Effectually fulfilled the Conditions of the Settlement of their Grants, the said William Pepperil Esq<sup>r</sup> is to be Accountable to them their heirs and Assignes for the said Ballance & Interest arising thereon. [*Passed March 25.*]

House Jour-  
nal, p. 250.  
*Ante*, p. 88,  
chap. 188;  
p. 242, chap.  
265.

<sup>1</sup> Afterwards a part of Lebanon, Maine.

<sup>2</sup> Mark of parenthesis inserted from the State Library copy, Legislative Records of the Council, xvi., 298.

## CHAPTER 268.

## ORDER IMPOWERING JOS SWAN TO SURVEY AND LAY OUT 160 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
238.

House Jour-  
nal, p. 165.

A PETITION of Joseph Swan of Methuen, Setting forth his Services for the Province in the late Wars Against the Indians, Praying for a Grant of province Land in Said Town of about One hundred and Sixty Acres bordering South on Woodmans Farm, West on Greens & Sergeants Farms, Northerly on Higginsons Farm & Easterly on Haverhill line

Read and in Answer to this petition,

*Ordered* that the pet<sup>r</sup> have leave by a Survey<sup>r</sup> & Chain men on Oath to Survey and lay out One hundred and Sixty Acres of the Province Land in the Township of Methuen to begin on Woodmans farm on the South West on Greens & Sergeants Farm North on Higginsons Farm and Easterly on Haverhill line and Return a plat thereof to this Court within twelve Months for Confirmation to him his heirs and Assignes on Condition that he or they within three Years from the Confirmation of the Grant Settle a Good family on the premisses, who are to live thereon, and fence in and plough up bring to and fit for English Grass five Acres thereof, and also within the said Term build a Convenient Dwelling house of Eighteen feet Square & Seven feet Stud. at the least, fit for the Reception and Accommodation of the Said Family. [*Passed March 25.*]

## CHAPTER 269.

## ORDER IMPOWERING SAM. &amp; REB. SEWALL TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
238.

House Jour-  
nal, pp. 246, 255.

A PETITION of Samuel Sewall Esq<sup>r</sup> & Rebecca his Wife Shewing that they hold five hundred Acres of land in the Town of Dudley, which was left to the said Rebecca and the heirs of her Body Lawfully begotten, by her Father the late Gov<sup>r</sup> Dudley; which said land lyes in three Distinct parts, One of which Contains One hundred and fifteen Acres; Praying that they may be Impowred by an order of this Court to Dispose of the said peice of Land and lay out the produce thereof in Fencing and Clearing the Remainder and paying the Taxes thereon

Read &

*Ordered* that the prayer of the petition be Granted and that the pet<sup>rs</sup> be and hereby are authorized and Impowred to make Sale of One hundred and fifteen Acres of the Land within mentioned, the produce thereof to be Disposed of for building on the Pet<sup>rs</sup> other Lands, within mentioned, and Fencing Clearing & bettering the Same, & for paying any Taxes arising thereon Provided the pet<sup>rs</sup> Give Bond to the Judge of Probate for the County of Worcester & his Successors in said Office for the fulfillment of this order. [*Passed March 25.*]

## CHAPTER 270.

ORDER REFERRING THE TAUNTON PETITION FOR THE ANNEXATION OF NATH<sup>l</sup> WILLIAMS LAND.Legislative  
Records of the  
Council, xvi.,  
298.ON THE PETITION of the Select men of Taunton, [*ante*, p. 185, chap. 141]House Jour-  
nal, p. 251.  
*Ante*, p. 185,  
chap. 141.*Ordered* that the further Consideration of this petition be Referred to the first Tuesday of the next May Session. [*Passed March 25.*]

## CHAPTER 271.

ORDER GRANTING £15 PER ANNUM FOR THREE YEARS TO JOS<sup>a</sup> JONES.A PETITION of Josiah Jones of Concord, Shewing that the Wounds which he Received of the Indian Enemy while in the Service of this Province Under Cap<sup>t</sup> Lovewell, are not yet healed, nor like to be, And therefore praying for Some further Allowance from this Court for his SupportLegislative  
Records of the  
Council, xvi.,  
299.House Jour-  
nal, p. 257.

Read and in Answer to this Petition,

*Ordered* That a Pension of Fifteen pounds ~~p~~ annuum be and hereby is Granted and Ordered to be Allowed and paid out of the Publick Treasury to the Pet<sup>r</sup> Josiah Jones during the Term of three Years to Commence from the Expiration of the Term of the last pension,<sup>1</sup> Settled on him by this Court. [*Passed March 25.*]

## CHAPTER 272.

ORDER FOR A GRANT OF LAND TO HOUSATANUCK INDIANS.

A REPORT of a Conference held by Ebenezer Pomroy and Thomas Ingersol Esq<sup>rs</sup> by Order of this Court with the Housatanock Indians, Relating to a purchase of Lands for their SettlementLegislative  
Records of the  
Council, xvi.,  
299. Mass.  
Archives,  
xxix., 316.

Read, and the same being fully considered

*Voted* that the honourable John Stoddard Esq<sup>r</sup> Ebenezer pomroy and Thomas Ingersole Esq<sup>rs</sup> be a Committee fully authorized and impowered to lay out a township not exceeding the quantity of Six Miles square unto the Houssatonnoc Tribe of Indians in upper Houssatonnoc lying and being above the Mountain. & upon Houssatonnoc River, said Indians to be subject to the Law of the province made & passed in the thirteenth Year of King William 3<sup>d</sup> Cap XXI, with respect to said Lands, and that the said Committee be hereby impowred to lay out unto the Reverend M<sup>r</sup> John Sargent their Minister, and M<sup>r</sup> Timothy Woodbridge their School Master One Sixtieth part of the said township to<sup>2</sup> Each of them to accommodate them in a Settlement of said Land to be to Each of them & their heirs and assigns, and that said Committee lay out a sufficient quantity of Land within said township to accommodate four English Families that shall Settle upon the same to be under the direction & disposition of the Committee by & with the advice of M<sup>r</sup> Sargent and M<sup>r</sup> Woodbridge; And the Committee are hereby furtherMass.  
Archives,  
xxix., 309.  
House Jour-  
nal, pp. 181, 197,  
248, 256. Prov-  
ince Laws, i.,  
471, chap. 2.  
*Ante*, p. 212,  
chap. 198.<sup>1</sup> No record of a previous pension has been found; an allowance was granted Josiah Jones, a sufferer from the Pigwacket fight, in 1725. — Province Laws, x., 720, chap. 406.<sup>2</sup> MS. mutilated.

impowred to dispose of y<sup>e</sup> Lands that are reserved to said Indians in the town of sheffield, & mentioned in the Committees report in order to make Satisfaction so far as the same will go, to the proprietors, And owners of the Land hereby granted: And the Committee are [further]<sup>1</sup> impowred to give the proprietors of upper Houssatonnoc that live below the Mountain an equivalent in some of the unappropriated Lands of the province next adjacent to Upper Houssatonnoc, Sheffield, & said granted town; And the Committee are hereby further impowred to make the proprietors of upper Houssatonnoc above the Mountain an equivalent in some of the unappropriated Lands of the province in different places; provided the same in the Judgment of the Committee shall not prejudice any township that may here after be granted; the same to be in full satisfaction for such of their Lands as are hereby granted to the Houssatonnoc Tribe. [*Passed March 25.*]

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## CHAPTER 273.

VOTE IMPOWERING ZACH. LOVEWELL & OTHERS TO SURVEY AND LAY OUT 2,130 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
299.

House Jour-  
nal, pp. 196, 212,  
256. Province  
Laws, xi., 704,  
chap. 132.

A PETITION of Zacheus Lovewell, Thomas Colburn, Peter Powers, Josiah Cummins, Henry Farewell jun<sup>r</sup> and Nicholas Crosby, Shewing that they Served as Voluntiers Against the Indian Enemy under Cap<sup>t</sup> Lovewell either in his first or Second March that all the Rest of Cap<sup>t</sup> Lovewells Soldiers have had Land Granted them by this Court but the pet<sup>rs</sup> have as yet had none And therefore Praying for a Grant of Province Land

Read &

*Voted* That Twenty one hundred and Thirty Acres of the Unappropriated Lands of the province Adjoyning to the Township of Suncook be and hereby is Granted to the Six petitioners within mentioned, their heirs and Assignes Respectively, and that they be Allowed and Impowred by a Survey<sup>r</sup> and Chain men on Oath to Return a plat thereof in a Regular form to this Court within twelve months for Confirmation Accordingly; Provided they Settle Six familys thereon within four years from the Confirmation of the Grant; each Family to have a Dwelling house of Eighteen feet Square and Seven feet Stud at the least, and well finished, & each family or Settler to Clear fence and bring to English Grass or Tillage Six Acres; And on failure thereof such Right or Interest of such Defective Grantees to Revert to the Province; The Pet<sup>rs</sup> to give Bond to the Province Treasurer and his Successors in the said office in the sum of Forty pounds each to fulfill the Conditions of this Grant and Said Land to be Annexed to the Township of Suncook for the present and to do duty & Receive priviledge Accordingly. [*Passed March 25.*]

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## CHAPTER 274.

ORDER IMPOWERING THO<sup>s</sup> CHANDLER TO SURVEY AND LAY OUT AN EQUIVALENT GRANT OF LAND.

Legislative  
Records of the  
Council, xvi.,  
300.

A PETITION of Thomas Chandler of Andover Shewing that whereas this Court were pleased to Grant him Seventy Acres of Land, lying in

<sup>1</sup> MS. mutilated; inserted from the State Library copy, Legislative Records of the Council, xvi., 299.



the Town of Methuen, he finds that the said Land is possessed by other persons (as he Supposes by Intrusion) And therefore praying for Liberty to lay out his Grant in another place in the said Town, with Some Addition of Land for the Charge he has been at in the Affair

Read &

*Ordered* that the prayer of the petition be Granted, and the petitioner is Allowed to make a New pitch of his Land Accordingly. [*Passed March 25.*]

House Journal, p. 245.  
*Ante*, p. 212,  
chap. 197.

## CHAPTER 275.

### ORDER FOR A MEET<sup>g</sup> OF GRANTEES OF IPSWICH NEW TOWN.

*Ordered* That Thomas Berry Esq<sup>r</sup> be and hereby is Authorized and Impowred to Assemble and Convene the Proprietors and Grantees of the New Township,<sup>1</sup> latly Granted to Some of the Inhabitants of the Town of Ipswich. in Some Convenient place and Suitable time, to Chuse a Proprietors Clerk and pass such Votes and Orders as they shall Judge Necessary for Carrying on the Settlement of the New Township in the Most Speedy Manner, Agreeable to the Conditions of the Grant and how to Call their Meetings for the future. [*Passed March 26.*]

Legislative Records of the Council, xvi., 301.

House Journal, pp. 255, 256.  
*Ante*, p. 239,  
chap. 257.

## CHAPTER 276.

### ORDER ON PETITION OF THE SELECTMEN OF THE TOWN OF HATFIELD IN REGARD TO THE SUPPORT OF A CHILD.

A PETITION of the Selectmen of the Town of Hatfield, Shewing That One Samuel Fairfield, being Accused at the Court of General Sessions of the peace for the County of Hampshire in September last by one Silence Hastings of being the Father of a Bastard Child born of her Body, was bound in a Bond of Seventy pounds by Order of the said Court, to Maintain the said Child; which he has failed to do, And the said Town are put to the Charge thereof; And therefore Praying that the said Town may have the benefit of that Bond to Reimburse them

Read & in Answer to this petition,

*Voted* That when the Seventy pounds within mentioned shall be paid into the Province Treasury, his Majestys Justices of the peace for the County of Hampshire at their General Sessions shall after they have Determined what shall be just & Reasonable for bringing up or otherwise disposing of said Child. Upon Application made to them for that purpose by the Overseers of the poor of the Town of Hatfield. Certify by their Clerk to the Treasurer of the province for the time being annually, the Charge that shall arise Upon Accompt of the said Child; And the Treasurer is hereby Authorized and Directed to pay the said Overseers or their Order such Sum or Sums as is so Certified to be due for the purpose aforesaid so as not to exceed the sum of Forty pounds without the further Order of this Court. [*Passed March 26.*]

Legislative Records of the Council, xvi., 301.

House Journal, pp. 255, 262.

<sup>1</sup> This township was called New Ipswich, New Hampshire.

## CHAPTER 277.

## ORDER IMPOWERING THE TOWN OF UXBRIDGE TO SURVEY AND LAY OUT 500 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
220, 301.

House Jour-  
nal, pp. 111,  
256, 257.

A PETITION of Robert Taft and John Harwood a Com<sup>tee</sup> for the Town of Uxbridge Setting forth that Altho they are a New town & their Inhabitants few in Number and of little Estates Yet they are Extremely burthened with the Charge of building & Repairing Eight large Bridges in the said Town and therefore praying for a Grant of Province Land

In Consideration of the Smallness & low Circumstances of the Town of Uxbridge & the great Number of Bridges with the Necessity and Usefulness of Several of them for those who Travell from the Neighbouring Governments & Supply the Province with many Commoditys,

*Voted* That five hundred Acres of the Unappropriated Lands of the Province lying in the County of Worcester & Adjoyning to Some Township, be & hereby is Granted to the Town of Uxbridge for their Encouragem<sup>t</sup> in Building & Repairing the Bridges in said Town, & that they be allowed & Impowred by a Survey<sup>r</sup> & Chainmen on Oath to Survey & lay out the Grant & Return a plat thereof To this Court within twelve months for Confirmation to the said Town of Uxbridge and their Assignes for ever. [*Passed March 26.*]

## CHAPTER 278.

ORDER ON CHARLESTOWN SELECTM<sup>n</sup> PETITION IN REGARD TO A TOWN MEETING.

Legislative  
Records of the  
Council, xvi.,  
302.

House Jour-  
nal, pp. 246, 260.  
Province  
Laws, ii., 761,  
chap. 8.

A PETITION of the Selectmen of the Town of Charlestown, Setting forth the Dillicultys the said Town is Under by Reason of their disputes arisen among the Inhabitants at the Choice of Officers for this present Year, as to the Construction of the Law of the province made this present Year, Referring to such Elections; and Praying that this Court would Confirm the Votes and proceedings of said Town in their Meeting held on the Eighth day of March Instant

Read and the Selectmen of Charlestown Chosen at their late Anniversary Meeting and Sundry Inhabitants of the said Town Objecting to Some Irregularitys in the proceedings in the said Meeting attending were Admitted into the House and fully heard on the proceedings of the said Town therein as well on the Regularity as on the Objections to the Irregularity of some of the proceedings in the said Meeting and then they withdrew; And the House having fully considered the same On a Motion made and Seconded

The Question was put Whether it Appears that the proceedings of the said Town in their last Anniversary Meeting were Regulated According to Law It passed in the Negative Nemine Contradicente and thereupon

*Voted* That the said proceedings be deemed Null & Void and that the Selectmen of the said Town for the Year 1735 do forthwith Issue forth a Warrant to Assemble their Inhabitants (Qualified by Law to Vote in Town Affairs)<sup>1</sup> in order to Chuse Selectmen & Other Officers and to Transact any other Needfull town business and that the said Selectmen, before a Moderator be Chosen, & the Moderator after he

<sup>1</sup> Mark of parenthesis inserted from the State Library copy, Legislative Records of the Council, xvi., 302.

Shall be Chosen do Carefully Attend to & Observe the directions of the Law in Judging of & Determining the Qualification's of such as may offer their Votes at said Meeting. [*Passed March 26.*]

## CHAPTER 279.

ORDER ALLOWING /6 PER LB. ADDITIONAL TO HEN. TISDALE FOR MAKING IRON RAILS FOR STEPS TO THE PROVINCE HOUSE.

A PETITION of Henry Tisdale, Shewing That whereas he has been Allowed but two shillings & nine pence *p* pound for the Iron Rails by him made for the Province he shall be a great Looser thereby Unless Relieved by this Court and therefore praying for Some Consideration for his Said Work

Read &

*Ordered* that there be allowed & Granted to be paid out of the public Treasury to the pet<sup>r</sup> Six pence *p* pound for making the Iron Rail Fence at the Province house over and above the two shillings & nine pence *p* pounds as within mentioned. [*Passed March 26.*]

Legislative  
Records of the  
Council, xvi.,  
302.

House Jour-  
nal, pp. 253, 261.  
*Ante*, p. 87,  
chap. 184.

## CHAPTER 280.

ORDER ACCEPTING THE COMMITTEES REPORT ON JOHN QUICKSETT &c PETITION.

ISAAC LOTHROP ESQ<sup>r</sup> from the Com<sup>tee</sup> on the petition of John Quicksett & others [*ante*, p. 209, chap. 192] gave in the following Report viz<sup>t</sup>

The Committee Appointed to Inquire into the Matter of Complaint of John Quickset & John Thomas, in behalf of themselves and the Rest of the Indians in Pembroke Relating to the Strip and Waste & Ineroachments made by one Patience (whom they call the Queen) on the Indian Lands there, Having Repaired to Pembroke and Notified the partys concerned, and fully heard them on the Affair, are of Opinion that altho the pet<sup>rs</sup> did not make out their Right to the said Land before the Committee, Yet that the said Patience Makes great Destruction on the said Land, by Disposing of the Wood and Timber for little or Nothing; which has been preserved for fenceing the same, and will soon destroy the whole, if due Care be not taken; by which means the Land will be very much Discommoded, if not Rendred Useless: Wherefore to prevent the same, the Com<sup>tee</sup> are humbly of Opinion that some Meet persons should be Appointed by this Court as Overseers or Guardians to take Care of said Land & the owner or owners thereof. All which is humbly Submitted by

ISAAC LOTHROP in the name of the Com<sup>tee</sup>

Read &

*Ordered* that this Report be Accepted and that John Alden Esq<sup>r</sup> & Cap<sup>t</sup> Nehemiah Cushing of Pembroke be and hereby are appointed to take Care of the Land within Mentioned, and prevent any Strip or waste being made thereon as also to prosecute such persons as shall do so. [*Passed March 26.*]

Legislative  
Records of the  
Council, xvi.,  
302.

House Jour-  
nal, pp. 261, 262.  
*Ante*, p. 209,  
chap. 192.

## CHAPTER 281.

ORDER ALLOWING £173. 16 TO PHIL. BONGARDEEN.

Legislative  
Records of the  
Council, xvi.,  
303.

House Jour-  
nal, p. 260.  
Province  
Laws, xi., 631,  
chap. 122.

A PETITION of Philip Bongardeen, Shewing that he was at great Expence for the Relief and Subsistance of a Company of poor Palatines, brought into Marthas Vineyard by Cap<sup>t</sup> Jacob Lob, and more particularly in his prosecution of the said Lob for his Cruel Treatment of them; which prosecution was ordered by the General Court; And therefore praying that he may be Allowed his Said Charge Amounting to the Sum of £173. 16 out of the Publick Treasury with Some Consideration for his time and Trouble therein

Read &

*Ordered* That the sum of One hundred and Seventy three pounds Sixteen shillings be Granted and paid out of the publick Treasury to Philip Bongardeen the pet<sup>r</sup> in full Satisfaction for his Charge time and Trouble on Acco<sup>d</sup> of the Palatines as within mentioned. [*Passed March 26.*]

## CHAPTER 282.

ORDER OF NOTICE ON THE PETITION OF EDM<sup>d</sup> GOFFE ESQ<sup>r</sup> FOR LEAVE TO FILE A COMPLAINT.

Legislative  
Records of the  
Council, xvi.,  
303.

House Jour-  
nal, p. 261.  
*Ante*, p. 160,  
chap. 77.

ON THE PETITION of Edmund Goffe Esq<sup>r</sup> [*ante*, p. 160, chap. 77]

Read &

*Ordered* that this petition be & hereby is Revived & that the pet<sup>r</sup> Serve the Adverse partys the said Stacy & Tucker with a Copy of the petition that they Shew Cause, if any they have, on the first Tuesday of the next Sitting of the General Court why the prayer thereof Should not be Granted. [*Passed March 26.*]

## CHAPTER 283.

ORDER FOR A MEETING OF THE GRANTEES OF THE TOWN GRANTED TO ABRA. TILTON &amp;c.

Legislative  
Records of the  
Council, xvi.,  
304.

House Jour-  
nal, pp. 255, 256.  
*Ante*, p. 142,  
chap. 39.

*Ordered* That Thomas Berry Esq<sup>r</sup> be fully Authorized & Impowred to Assemble and Convene the Proprietors & Grantees of the Canada Township<sup>1</sup> on the petition of M<sup>r</sup> Abraham Tilton & others of Ipswich &c in Some Suitable place and Convenient time to Chuse a proprietors Clerk and pass Such Votes and Orders as they may think Necessary for the Regular Carrying on the Settlement of the said Township, Agreeable to the Conditions of the said Grant & to Agree how meetings shall be Called for the future. [*Passed March 27.*]

<sup>1</sup> This township was Winchendon.

## CHAPTER 284.

ORDER APPOINTING A COMMITTEE TO LAY OUT A TOWNSHIP TO GLOCESTER INHAB<sup>TS</sup>.

In the House of Represent<sup>a</sup>

*Ordered* that Cap<sup>t</sup> John Allen & Cap<sup>t</sup> William Collins with Such as the Hon<sup>ble</sup> Board shall Appoint be a Committee Impowred & directed to take a Survey of & plat the Town Near North Yarmouth or Else where, Granted to Sundry Inhabitants of Glocester,<sup>1</sup> and make Report thereon, and take Bonds for the performing the Conditions of the Grant.

In Council Read & Concurr'd & Ebenezer Burrill Esq<sup>r</sup> is Joined in the Affair. [*Passed March 27.*]

Legislative  
Records of the  
Council, xvi.,  
304.

House Jour-  
nal, pp. 190, 263.

## CHAPTER 285.

ORDER FOR A MEET<sup>G</sup> OF PROP<sup>RS</sup> OF TOWNSHIP ABOVE BERWICK.

*Ordered* That M<sup>r</sup> Richard Lord be and hereby is fully Authorized and Impowred to assemble or Convene the Grantees or Prop<sup>rs</sup> of the New township<sup>2</sup> latly Granted at the head of Berwick in the County of York, in Some Convenient place, and Suitable time, on due Notice given, to Chuse a Prop<sup>rs</sup> Clerk and pass Such Votes and Orders for their due Regulation and Effectual Compliance with the Conditions of the Grant, as they shall See Meet and also Agree how their future Meetings shall be Called. [*Passed March 27.*]

Legislative  
Records of the  
Council, xvi.,  
305.

House Jour-  
nal, p. 258.  
*Ante*, p. 242,  
chap. 265.

## CHAPTER 286.

ORDER CONFIRMING A PLAT OF 320 ACRES OF LAND TO JOHN QUINCEY ESQ<sup>E</sup>.

A PLAT of three hundred & twenty Acres of Land (being part of a Grant of five hundred Acres) made to John Quincey Esq<sup>r</sup> and laid out by William Ward Esq<sup>r</sup> and Chain men on Oath being between the Town of Brookfield & the Land Called Brantry Grant

Read and

*Ordered* That the within plat be and hereby is Accepted, and the Lands therein delineated and described be and hereby are confirmed to the honourable John Quincy Esq<sup>r</sup> (speaker) his heirs and Assigns for Ever in part satisfaction of a Grant of this Court made him in the late sitting of Five hundred Acres of Land provided the plat contains no more than the quantity of Three hundred and twenty Acres with the usual Allowance for swagg of Chain and does not interfere with any former Grant, and M<sup>r</sup> speaker Quincy is hereby allowed to return Another plat of Some of the unappropriated Lands of the province to satisfie the remainder of his said Grant. [*Passed March 27.*]

Legislative  
Records of the  
Council, xvi.,  
305. Maps and  
Plans, Mis.,  
ix., 24.

Maps and  
Plans, Mis.,  
ix., 24. House  
Journal,  
pp. 258, 259.  
*Ante*, p. 208,  
chap. 188.

<sup>1</sup> This township was New Gloucester, Maine.

<sup>2</sup> This township became Lebanon, Maine.



## CHAPTER 287.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO  
THE DESCENTS OF THE GRANTEES OF THE CANADA TOWNS.

Legislative  
Records of the  
Council, xvi.,  
306.

Mass.  
Archives,  
lxxii., 441.  
House Jour-  
nal, pp. 246, 264.  
*Ante*, p. 141,  
chap. 37; p. 142,  
chap. 39; p. 232,  
chap. 240.

THE COMMITTEE Appointed to Consider and Report their Opinion what may be proper to be done on the Message from the Board of Jaury 16 last Relating to the more Effectual bringing forward the Settlement of the Canada Towns so Called, are of Opinion, That the Grants Respectivly of the four Townships viz<sup>t</sup> Gallop Newell, Tileston, & Tiltens, so Called, which were made to the officers and Soldiers in the Canada Expedition Anno 1690, and the Descendants of such as are Since Deceased, are well Explained by the Order of this Court of the 26 of June last; and the Several Com<sup>tees</sup> Appointed to lay out and bring forward the Settlement of the Said Four Townships and all other Com<sup>tees</sup> thereafter to be Appointed for the like Service, are by the same Order fully Impowred and Directed, as to the Admission of the Grantees &c, and shall be obliged to proceed Accordingly; and instead of their Transmitting into the Secretarys office Lists of the Respective Grantees &c they shall be and hereby are Obligated to take the best Care they can in Examining & Regulating the Claims of all persons that shall Appear as heirs descendants or Represent<sup>a</sup>, and shall make and keep fair Lists of the names and places of Residence of the Respective Grantees or Settlers of the said Towns, in Order to prevent Mistakes in Settling and Regulating the Claims and admission of the Grantees; And further the Com<sup>tee</sup> are of Opinion, that the Grantees Admitted or that may be Admitted into the two Townships, Granted to Shubal Goreham & Samuel King & others In which Grants, thrô Some omission, no Bonds are ordered to be Given, there be the Same Bonds Given to the Treasurer of the Province and in the Same manner as has been ordered in and by the other Grants, that have been made to the Canada Soldiers That in as much as the Grants, made to the Canada officers & Soldiers are to be laid out & the Settlers to be Admitted at the Expence of the province which Expence is not to be Reimbursed by the Grantees as is provided in the Grants of the line of Towns so Called the said Expence and Charge shall be Allowed & Advanced out of the publick Treasury to the Amount of Fifty pounds for each Township and no more and if it exceeds that sum it shall be paid by the Grantees before they draw their Lotts. [*Passed March 27.*]

## CHAPTER 288.

ORDER IMPOWERING JON<sup>A</sup> POWERS & OTHERS TO SURVEY AND LAY  
OUT A TOWNSHIP.

Legislative  
Records of the  
Council, xvi.,  
307.

Mass.  
Archives,  
cxvii., 18.  
House Jour-  
nal, pp. 125, 263.  
*Infra*, chap.  
289.

A PETITION of Jonathan Powers and a great Number of Others Praying for a Tract of Province Land for a Township whereon to Settle themselves and their Families on the Rear of North Yarmouth

In Answer to this petition of Jonathan Powers John Hunt & others  
*Voted* That the prayer of the petition be Granted and that . . . Together with such as shall be Joined by the Hon<sup>ble</sup> Board, be a Com<sup>tee</sup> at the Charge of the pet<sup>rs</sup> to lay out a Township of the Contents of Six Miles Square, at the place petitioned for as near as the same may be, and that they Return a plat thereof to this Court within

twelve Months for Confirmation; and for the More Effectual bringing forward the Settlement of the said New town,

*Ordered* That the said Town be laid out into Sixty three Equal shares, One of which to be for the first Settled Minister, One for the Ministry, and one for the School; and that on Each of the other Sixty Shares the pet<sup>rs</sup> do within three Years from the Confirmation of the plan, have Settled One Good family, who shall have a house built on his Homelot of Eighteen feet Square and Seven feet Stud at the least, and finished, that each Right or Grant have Six Acres of Land brought to & plowed or brought to English Grass and fitted for Mowing, and that they Settle a Learned Orthodox Minister and build & finish a Convenient Meeting house for the Publick Worship of God; And the said Com<sup>tee</sup> are hereby directed to take Bond of each Settler of Forty pounds for his Faithfull Compliance with or performing the Conditions of the Settlement; and in Case any of the said Settlers Fail of performing the Conditions, then his or their Right Share or Interest in the said Town to Revert to and be at the Disposition of the Province.<sup>1</sup> [*Passed March 27.*]

## CHAPTER 289.

ORDER FOR SURVEY<sup>a</sup> THE TOWN SHIP GRANTED TO JONATHAN POWERS AND OTHERS.

Legislative  
Records of the  
Council, xvi.,  
307.

*Ordered* that the Com<sup>tee</sup> Appointed for Runing the lines between North Yarmouth and the Province Land be Impowred and directed to take a Survey & plat of the Township on the Rear of North Yarmouth, Granted to Jonathan Powers & others & make Report thereon & take Bond of the Grantees According to the Courts Order. [*Passed March 27.*]

House Jour.  
nal, p. 263.  
*Ante*, p. 120,  
chap. 264.  
*Supra*, chap.  
288.

## CHAPTER 290.

ORDER GRANTING JOHN SHAW'S PETITION TO FILE REASONS OF APPEAL.

A PETITION of John Shaw of Boston Blacksmith Shewing That he brought his Action of the Case at the Inferiour Court held at Boston for the County of Suffolk in July last, Against Edward Payne of Boston aforesaid, for the Recovery of Forty two pounds 12/4 That Judgment went Against him from which he Appealed to the next Superiour Court and Recognized but thrô Mistake, his Reasons of Appeal were not filed in Season, Therefore praying that he may be Allowed to file his Reasons of Appeal to the next Superiour Court and have a Trial of his Cause

Legislative  
Records of the  
Council, xvi.,  
287, 308.

House Jour.  
nal, p. 263.

*Ordered* that the prayer thereof be Granted, and that the pet<sup>r</sup> John Shaw be and hereby is Impowred to file his Reasons of Appeal to the next Superiour Court of Judicature to be holden at Boston within and for the County of Suffolk; and the Justices of the said Court are Authorized and Impowred to hear & determine the said Appeal Accordingly; Provided the said pet<sup>r</sup> Serve the Adverse party with a Copy hereof fourteen days at least before the Sitting of the said Court. [*Passed March 27.*]

<sup>1</sup> There is no mention of any appointment of a committee by the Council in any of the records for this particular purpose.

The record in Mass. Archives, cxvi., 18, stops with reading: "*Voted* that the Prayer of the Petition be granted and." The committee was the one appointed to run the boundary between North Yarmouth and the Province lands. — House Journal, p. 263, *infra*, chap. 289, and *ante*, p. 120, chap. 264.

## CHAPTER 291.

ORDER CONFIRMING A PLAT OF A TOWNSHIP FOR CAPT W. TYNGS  
COMP<sup>y</sup>.

Legislative  
Records of the  
Council, xvi.,  
308. Maps and  
Plans, Mis.,  
x., 22.

Maps and  
Plans, Mis.,  
x., 22. House  
Journal, p. 259.  
*Ante*, p. 105,  
chap. 229.

A PLAT of a Township of Six Miles Square, Granted to the Company formerly Under the Command of Cap<sup>t</sup> William Tyng deced, laid out by Joseph Blanchard Survey<sup>r</sup> and Chainmen On Oath; lying on the East side of Merrimack River Bounded Northerly on Suncook Township. West on merrimack River South on Litchfield & East on a line parrallel to the said River, and three Miles distant from it; but by Reason of the Land Reserved by the Province within said Grant the Land is 1,680 Acres Short of Six Miles Square

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated & described be and hereby are confirmed to the Grantees mentioned in the petition of Hildreth and shipley in behalf of the officers and soldiers in the Company under the Command of the late Cap<sup>t</sup> William Tyng dec<sup>d</sup> their heirs & assigns respectively for Ever, exclusive of the former Grants within mentioned, & the reserved Land for the Common benefit of taking Fish at Amaskeeg Falls, and provided it does not exceed the quantity of twenty two thousand three hundred & Sixty Acres of Land besides, and interferes with no other Grant, and the Grantees are allowed to make a new pitch of Sixteen hundred and Eighty Acres in the province Lands else [where]<sup>1</sup> & return a plat thereof to satisfie the remainder of the Grant. [*Passed March 27.*]

## CHAPTER 292.

VOTE ABT<sup>t</sup> LINE BETWEEN WRENTHAM & BELLINGHAM.

Legislative  
Records of the  
Council, xvi.,  
309.

House Jour-  
nal, p. 251.  
*Ante*, p. 216,  
chap. 209.

THE FOLLOWING VOTE passed both Houses on the Return made by Edmund Quincey Esq<sup>r</sup> and others a Com<sup>tee</sup> of the Court for Stating the line between Wrentham and Bellingham viz<sup>t</sup>

*Voted* That this Settlement of the Boundary line between the Towns of Wrentham and Bellingham be Recorded in the Secretarys Office in the Book of Commissions &c. from this Government; and that the said Reported Line be and hereby is determined to be the Dividing line or boundary between the Towns of Wrentham and Bellingham: any former Vote or Order of this Court to the Contrary Notwithstanding. [*Passed March 27.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xvi., 308.

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1736.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1736.

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HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

SIMON FROST, Esq.,  
DEPUTY SECRETARY.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

BENJAMIN LYNDE	}	ESQRS.
THOMAS HUTCHINSON		
EDMUND QUINCEY		
PAUL DUDLEY		
SAMUEL THAXTER		
JOHN TURNER		
WILLIAM DUDLEY		
JONATHAN REMINGTON		
JOHN OSBORNE		

EBENEZER BURRILL	}	ESQRS.
FRANCIS FOXCROFT		
JOSIAH WILLARD		
JACOB WENDELL		
ANTHONY STODDARD		
SAMUEL WELLES		
THOMAS BERRY		
JOSEPH WILDER		
EBENEZER POMROY		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

ISAAC WINSLOW	}	ESQRS.
JOHN CUSHING		

MELETIAH BOURNE	}	ESQRS.
SETH WILLIAMS		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

WILLIAM PEPPERIL, SAMUEL CAME & JEREMIAH MOULTON, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN JEFFRIES, ESQ.

See Legislative Records of the Council, xvi., 311-314.

*For the Province, at large: —*

THOMAS CUSHING & ISAAC LOTHROP, ESQRS.

# REPRESENTATIVES OR DEPUTIES.

*May 26, 1736 to February 4, 1736.*

MR. JOHN QUINCEY, SPEAKER.

## COUNTY OF SUFFOLK.

*Boston*, . . . Elisha Cooke, Esq.,  
                   Mr. Oxenbridge Thatcher,  
                   Mr. Thomas Cushing,  
                   Mr. Timothy Prout.  
*Roxbury*, . . . John Bowles, Esq.  
*Dorchester*, . . . Thomas Tilestone, Esq.  
*Milton*, . . . Capt. Jonathan Gulliver.  
*Braintree*, . . . John Quincey, Esq.  
*Weymouth*, . . . Capt. Adam Cushing.  
*Hingham*, . . . Capt. James Hearsey.  
*Dedham*, . . . John Metcalf, Esq.  
*Medfield*, . . . Mr. Joshua Morse.  
*Wrentham*, . . . Jonathan Ware, Esq.  
*Stoughton*, . . . Mr. William Royall.  
*Brooklyn*, . . . Samuel White, Esq.  
*Needham*, . . . John Fisher, Esq.  
*Medway*, . . . Capt. Edward Clark.

## COUNTY OF ESSEX.

*Salem*, . . . Daniel Epes, Esq.,  
                   Benjamin Browne, Esq.  
*Ipswich*, . . . Mr. Benjamin Crocker,  
                   Mr. Thomas Norton.  
*Newbury*, . . . Henry Rolfe, Esq.,  
                   Charles Pierce, Esq.  
*Lynn*, . . . Capt. William Collins.  
*Marblehead*, . . . Mr. Jeremiah Gatchell,  
                   Mr. Jeremiah Allen.  
*Haverhill*, . . . Richard Saltonstall, Esq.  
*Rowley*, . . . Capt. John Hobson.  
*Salisbury*, . . . William Bradbury, Esq.  
*Gloicester*, . . . Mr. William Haskell.  
*Andover*, . . . Mr. Joseph Parker.  
*Beverly*, . . . Capt. Henry Herrick.  
 *Topsfield*, . . . Capt. Joseph Gould.  
*Wenham*, . . . Mr. William Fairfield.  
*Boxford*, . . . Mr. John Symonds.  
*Bradford*, . . . Capt. Richard Bayley.  
*Amesbury*, . . . Mr. John Blaisdell.

## COUNTY OF MIDDLESEX.

*Cambridge*, . . . William Brattle, Esq.

## COUNTY OF MIDDLESEX — *Concluded.*

*Charlestown*, . . . Mr. Samuel Webb,  
                   Ezekiel Cheever, Esq.  
*Watertown*, . . . Nathaniel Harris, Esq.  
*Concord*, . . . Mr. Samuel Chandler.  
*Newton*, . . . John Greenwood, Esq.  
*Sudbury*, . . . Mr. John Haynes.  
*Marlboro'*, . . . Mr. Joseph Rice.  
*Groton*, . . . Benjamin Prescott, Esq.  
*Chelmsford*, . . . Mr. Jonathan Barron.  
*Sherburn*, . . . Mr. William Leyland.  
*Billerica*, . . . Capt. Benjamin Thomson.  
*Woburn*, . . . Mr. Josiah Pierce.  
*Reading*, . . . Mr. Ebenezer Parker.  
*Malden*, . . . Mr. Jacob Wilson.  
*Lexington*, . . . Capt. Joseph Bowman.  
*Weston*, . . . Francis Fullam, Esq.  
*Medford*, . . . Mr. William Wilson.  
*Dunstable*, . . . Capt. Joseph Blanchard.  
*Littleton*, . . . Mr. Caleb Tylour.  
*Wilmington*, . . . Samuel Drummer, Esq.  
*Hopkinton*, . . . John Jones, Esq.

## COUNTY OF HAMPSHIRE.

*Springfield*, . . . William Pynchon, Jr., Esq.  
*Northampton*, . . . Ebenezer Pomroy, Esq.  
*Hatfield*, . . . Mr. Oliver Partridge.  
*Hadley*, . . . Eleazer Porter, Esq.  
*Westfield*, . . . Thomas Ingersol, Esq.  
*Suffield*, . . . Capt. Josiah Sheldon.

## COUNTY OF YORK.

*York*, . . . Mr. Richard Milberry.  
*Kittery*, . . . Richard Catt, Jr., Esq.  
*Wells*, . . . Joseph Hill, Esq.  
*Berwick*, . . . Mr. Richard Lord.  
*Falmouth*, . . . Mr. Moses Pierson.

## COUNTY OF WORCESTER.

*Worcester*, . . . John Chandler, Esq.  
*Lancaster*, . . . Capt. Ephraim Wilder.  
*Mendon*, . . . Capt. Thomas Thayer.  
*Woodstock*, . . . Mr. William Lyon.

COUNTY OF WORCESTER — *Concluded.*

*Brooklyn*, . . Joseph Dwight, Esq.  
*Lunenburg*, . . Josiah Willard, Esq.  
*Shrewsbury*, . . Naham Ward, Esq.  
*Sutton*, . . . Mr. Percival Hall.  
*Leicester*, . . Mr. Christopher Jacob Law-  
                   ton.

## COUNTY OF PLYMOUTH.

*Plymouth*, . . James Warren, Esq.  
*Duxbury*, . . Col. John Alden.  
*Scituate*, . . . John Cushing, Jr., Esq.  
*Marshfield*, . . Mr. Thomas Foster.  
*Bridgewater*, . Capt. Josiah Edson.  
*Middleboro'*, . . Mr. Elkanah Leonard.  
*Rochester*, . . Mr. Timothy Ruggles, Jr.  
*Plympton*, . . Mr. John Wright.  
*Pembroke*, . . Elisha Busby, Esq.

## COUNTY OF BARNSTABLE.

*Barnstable*, . . Shubal Goreham, Esq.  
*Sandwich*, . . Mr. Stephen Skiffe.

COUNTY OF BARNSTABLE — *Concluded.*

*Yarmouth*, . . Mr. Samuel Sturgis, Jr.  
*Eastham*, . . Mr. William Payne.  
*Harwich*, . . Edmund Freeman, Esq.  
*Falmouth*, . . Mr. Seth Barker.

## COUNTY OF BRISTOL.

*Bristol*, . . . Charles Church, Esq.  
*Taunton*, . . Samuel Williams, Esq.  
*Rehoboth*, . . Mr. Joseph Peck.  
*Swansey*, . . Peter Bradford, Esq.  
*Littlecompton*, Thomas Church, Esq.  
*Tiverton*, . . Job Almy, Esq.  
*Dartmouth*, . . Capt. Samuel Cornell.  
*Norton*, . . . Ephraim Leonard, Esq.  
*Freetown*, . . Mr. Thomas Gage.

## DUKES COUNTY.

*Chilmark*, . . Payne Mahew, Esq.

## IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . George Bunker, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1736.

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## CHAPTER 1.

ORDER ACCEPTING THE ACC<sup>T</sup> OF THE COUNTY TREAS<sup>R</sup> OF YORK.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the Year 1735 ; Having been laid before the Court of General Sessions of the peace for the said County and by them Allowed ;

Read &

*Ordered* that this Accompt be Allowed and Accepted. [*Passed June 1.*]

Legislative  
Records of the  
Council, xvi.,  
317.

House Jour-  
nal, pp. 10, 14.

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## CHAPTER 2.

ORDER ACCEPTING THE BARNSTABLE COUNTY TREAS<sup>R</sup> ACC<sup>T</sup>.

AN ACCOMPT presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable for the Year 1735 ; Having been laid before the Court of General Sessions of the peace for said County & by them allowed ;

Read &

*Ordered* that this Accompt be Accepted and Allowed. [*Passed June 1.*]

Legislative  
Records of the  
Council, xvi.,  
317.

House Jour-  
nal, p. 14.

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## CHAPTER 3.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO SAMUEL FIELD.

A PLAT of two hundred Acres of Land laid out by Nath<sup>l</sup> Kellog Surveyor & Chain men on Oath, to fulfill a Grant made by this Court to Samuel Field Bounded Westerly on Northfield Northerly Easterly & Southerly on Province Land ; begining at a heap of Stones in Northfield East bounds Near to which are a black Oak & white Oak & from thence North 7 deg. 30 min. West, two hundred perch to a White pine tree marked with **SF** from thence East 7 deg. 30 min<sup>e</sup> North One hundred & Sixty perch to a Stake & Stones from thence South 7 deg & 30 min<sup>e</sup> East two hundred to a<sup>1</sup> perch to a dry pine & from thence turned & Closed.

Read and

*Ordered* that the plat be Accepted, & the Lands therein Delineated,

Legislative  
Records of the  
Council, xvi.,  
317. Maps and  
Plans, x., 15.

Maps and  
Plans, x.,  
15 *ter.* House  
Journal, p. 13.  
*Ante*, p. 189,  
chap. 130.

<sup>1</sup> *Sic* ; the words "to a" are omitted in the State Library copy, Legislative Records of the Council, xvi., 317.



and described be and hereby are Confirmed to the said Samuel Field his Heirs and Assigns for Ever provided the plat exceeds not the quantity of two Hundred Acres of Land, and does not interfere with any former Grant. [*Passed June 1.*]

## CHAPTER 4.

### ORDER CONFIRMING A PLAT OF A TOWNSHIP TO THOS<sup>S</sup> TILESTONE & OTHERS.

Legislative  
Records of the  
Council, xvi.,  
317. Maps and  
Plans, x., 19.

Maps and  
Plans, x., 19.  
House Jour-  
nal, p. 15.  
*Ante*, p. 142,  
chap. 39.

A PLAT of a Tract of Land of Six Miles Square Granted to Thomas Tilestone Esq<sup>r</sup> & others for a Township laid out by Jonas Houghton Survey<sup>r</sup> and Chain men on Oath, Bounding Southerly on the Narragansett Township Number two, Westerly on a Township laid out for Tilton & others, Northerly on a Township laid out for Ipswich, & Easterly, part on Townshend & part on Lunenburg It begins at a Hemlock the North Easterly Corner of the said Narragansett Town, & Runs west 18 deg. South Seven Miles Wanting twenty Rods from thence North 12 deg. East eight Miles & two hundred Rods; & from thence East twelve Deg. South Seven Miles & One hundred perch; from thence Southerly by said Townshend line one Thousand One Hundred & twenty Rods & by Lunenburg line Six hundred & twenty Rods to where it first began.

Read and

*Ordered* That the within plat be and hereby is Accepted, and the Lands therein delineated and described are accordingly confirmed to the Grantees mentioned in the petition of Thomas Tilestone Esq<sup>r</sup> and others in behalf of sundry Officers & soldiers in the Canada Expedition Anno 1690, which passed this Court in their late Sitting, and to their heirs, assigns, and lawfull Representatives respectively for Ever, they complying with the Conditions of the Grant, provided the plat exceeds not the quantity of Six miles square of Land; with an Addition of three thousand eight hundred and fifty Acres for Farmes formerly granted & contained in the plat, and three hundred acres allowed for ponds; and does not interfere with any former Grant. [*Passed June 1.*]

## CHAPTER 5.

### ORDER APPOINTING A COMMITTEE FOR BURNING TORN & DEFACED BILLS OF CREDIT.

Legislative  
Records of the  
Council, xvi.,  
318.

House Jour-  
nal, p. 14.

In the House of Represent<sup>a</sup>

*Ordered* That M<sup>r</sup> Prout, John Chandler, Ezekiel Cheever, Richard Cutt, and Benj<sup>a</sup> Prescott Esq<sup>rs</sup> M<sup>r</sup> Allen, and John Bowles Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> to Receive of Jeremiah Allen Esq<sup>r</sup> Treasurer and Receiver General of this his Majestys province Such Bills of Publick Credit on the province in the publick Treasury, as are torn defaced or Rendered Unfit for further Service, and on Receipt thereof, to Cause the same to be Consumed & burnt to Ashes; and to give M<sup>r</sup> Treasurer a Receipt therefor the Com<sup>tee</sup> to Report thereon

In Council Read & Concurre'd and William Peperill William Dudley John Jeffries, Jacob Wendell and Samuel Welles Esq<sup>rs</sup> are Joined in the Affair. [*Passed June 1.*]

## CHAPTER 6.

## ORDER OF NOTICE ON THE PETITION OF JOHN RICH &amp; OTHERS OF BILLINGSGATE IN REGARD TO ERECTING A MEETING HOUSE.

A PETITION of John Rich for himself and in behalf of Sundry others Inhabitants of the precinct in Eastham, Called Billingsgate, Setting forth Sundry Irregularitys in the proceedings at the Meeting of the said precinct in October last, Respecting the place for Setting a new Meeting house on, which they are now framing; And praying the order of this Court that all the said proceedings may be set aside and a new Meeting Called for the purposes aforesaid, or that a Com<sup>tee</sup> May be Appointed to View the precinct & determine the place for Erecting their proposed New Meeting house on.

Read &

*Ordered* that the pet<sup>rs</sup> Serve the precinct of Billingsgate (so Called) in Eastham with a Copy of the petition that they shew Cause (if any they have) on Tuesday the fifteenth Currant why the prayer thereof should not be Granted. [*Passed June 1.*]

Legislative  
Records of the  
Council, xvi.,  
318.  
House Jour-  
nal, p. 14.

## CHAPTER 7.

ORDER OF NOTICE ON THE PETITION OF JOSEPH WRIGHT & JN<sup>o</sup> HEALD  
A COM<sup>TEE</sup> FOR ACTON PRAYING FOR A TAX OF THREE PENCE PER  
ACRE ON LAND.

A PETITION of Joseph Wright of Concord and John Heald of Acton, a Com<sup>tee</sup> in behalf of the Town of Acton, praying that all the Unimproved Lands in said Town belonging either to the Resident or Non-resident Proprietors may be Subject to a Tax of three pence p acre p annum for three Years, to be Applied for Building a meeting house, and Settling a minister; which petition was Accompanied by a Certificate of a number of Nonresident Proprietors, Setting forth their Willingness to be Subject to the said Tax

Read &

*Ordered* that the pet<sup>rs</sup> give publick Notice to the Resident and Non-resident proprietors of the Unimproved Lands in Acton, as well in Cambridge the Shire Town of the County, wherein the Lands lye that they Shew Cause if any they have on the first Tuesday of the next Sitting of the Court why the prayer thereof should not be Granted and the petition is Referr'd to that time for further consideration. [*Passed June 2.*]

Legislative  
Records of the  
Council, xvi.,  
319.  
House Jour-  
nal, pp. 15, 16.

## CHAPTER 8.

ORDER DIRECTING THE PAYMENT OF £54. 16. 9 TO THE COMMITTEE  
ON THE CONCORD LEXINGTON AND WESTON AFFAIR.

THE COM<sup>TEE</sup> Appointed to Repair to the Eastern part of Concord the Northerly part of Weston and the Westerly part of Lexington, to View the Situation & Consider the Circumstances of those parts, and the Several Towns before mentioned, brought in the following Report viz<sup>t</sup>

PURSUANT to the order of the Great and General Court on the peti-

Legislative  
Records of the  
Council, xvi.,  
319.  
Legislative  
Records of the  
Council, xvi.,

224. House  
Journal, pp. 16,  
17. *Ante*,  
p. 235, chap.  
248.

tion here unto Annexed, the Com<sup>tee</sup> Appointed to Repair to the place mentioned in the said petition, prayed for to be a Township, to View & Consider the Situation thereof, and the Circumstances of the pet<sup>rs</sup> as also of the Towns Mentioned in the petition, and hear all partys concerned; have Carefully performed that Service and are of Opinion that the prayer of the petition be not Granted: Which is humbly Submitted by  
FRA<sup>s</sup> FOXCROFT p order

Read &

*Ordered* that this Report be accepted, And the Question being put, Whether the prayer of the petition be Granted It pass'd in the Negative &

*Ordered* that the petition be Dismiss'd; And further that the Charge of the View Amounting to Fifty four pounds Sixteen shillings & Nine pence be paid as follows, Eighteen pounds to the Com<sup>tee</sup> of this Court for their Attendance & Travell by the Pet<sup>rs</sup> Eighteen pounds Eight shillings & four pence by the Town of Concord, and the Remainder by the Towns of Weston & Lexington in Equal proportion; and that the Respective Sums aforementioned be put into the hands of Francis Foxcroft Esq<sup>r</sup> & by him to be paid to the persons to Whom the same is Respectively due. [*Passed June 2.*]

## CHAPTER 9.

### ORDER FOR A DUPLICATE OF THE PLAN OF PATUCKET RIVER.

Legislative  
Records of the  
Council, xvi.,  
320.

House Jour-  
nal, p. 16.  
*Ante*, p. 174,  
chap. 114.

*Ordered* That Charles Church Esq<sup>r</sup> be Desired to Obtain a Duplicate of the plan of Patuckett River, and Branches Adjoyning to the Gore in Attleborō, as the same was lately taken by Disinterested Surveyor's and Chainmen on Oath Administred to them by some Justices in the Colony of Connecticut; And that he take Care that the whole of the proceedings in that matter with the Justices power who Administred the oaths be Certified by the Governour and Secretary; and duly Authenticated Under the publick Seal of that Colony and make Return thereof as soon as may be. [*Passed June 2.*]

## CHAPTER 10.

### ORDER OF NOTICE ON THE PETITION OF THE CHILDREN OF JN<sup>o</sup> ELIOT TO SET ASIDE THE PROBATE OF HIS WILL.

Legislative  
Records of the  
Council, xvi.,  
320.

House Jour-  
nal, pp. 13, 14.  
Province  
Laws, ii., 152,  
chap. 10.

A PETITION of Daniel Lunt and Sarah his wife, David Colby and Elizabeth his wife, and Naomi Eliot Spinster, which Sarah Elizabeth & Others are Daughters of John Eliot of Amesbury in the County of Essex Yeoman decd, Shewing that their father was prevailed upon in Extremity to Sign a paper Called his will within a few Years after which he Expired; Suggesting that he was not then of Sound Mind and memory when he Signed the will; Which has been proved &c by the Judge of Probate of Wills &c for the County of Essex; praying they may be allowed to bring an Appeal from the Decree of the said Judge to the Governour and Council in order to set aside the probate of the said Will the time by Law for Claim<sup>r</sup> and prosecuting an appeal being Elapsed Notwithstanding

Read &

*Ordered* that the pet<sup>rs</sup> Serve John and Daniel Eliot Executors of the will within mentioned, with a Copy of the petition, that they shew Cause if any they have On Thursday the tenth day of June Currant, why the prayer thereof should not be Granted. [*Passed June 2.*]

## CHAPTER 11.

### ORDER CONFIRMING A PLAT OF A TOWNSHIP TO SAM<sup>L</sup> KING & OTHERS.

A PLAT of a Township of the Contents of Six Miles Square, with the Allowance of One Thousand & Eighteen Acres for Water &c, Surveyed & laid out by Stephen Hosmer jun<sup>r</sup> and Chain men on Oath, to Satisfy a Grant made by this Court in Answer to the petition of Samuel King & others; lying on the West of Salem Narraganset Town Number three, on the North side of Soheag River; bounded as follows, beginning at a Spruce Tree & Runs North by the Needle Two Thousand One hundred & Ninety One perch on province Land to a hemlock Tree marked; then Runs East one Thousand five hundred & fifty Eight perch on province Land to a Township Adjoyning to & lying North of the said Narragansett Town Number three; then Runs South on said Township Six hundred and forty perch to the Township Granted to John Simpson and others, then Runs East on said Township four hundred and two perch to a Stake & Stones then Runs South One Thousand four hundred and Sixty Seven perch on said Narragansett Town, then Runs West four hundred & Eighty perch on Duxbury School farm to a Stake and heap of Stones; then Runs South thirteen perch on said Farm to a poplar Tree marked; thence Runs west One Thousand four hundred and Sixty perch to the Spruce tree first named on province Land

Read and

*Ordered* That the plat be Accepted, and the Lands therein delineated and described be and hereby are confirmed to the Officers and soldiers mentioned in the petition of the said Samuel King and others, and the Heirs, legal Representatives and Descendants of such of them as are lost or deceased in or since the Canada Expedition Anno 1690, and to their Heirs & assigns respectively for Ever they complying with the Conditions of the Grant provided the plat contains no more than the quantity of twenty four thousand & fifty Eight acres of Land, and does not interfere with any former Grant; The said Lands lying West of salem Narraganset town Number three on the North of souheeg River beginning at a spruce Tree & runs North by the Needle 2,191 perch on province Land, & then East on province Land to salem Narraganset Township Number three south on the town ship of John Simpson and others, West on Duxbury School Farm. [*Passed June 2.*]

Legislative  
Records of the  
Council, xvi.,  
320. Maps  
and Plans,  
x., 21.

Maps and  
Plans, x., 21.  
House Jour-  
nal, p. 15.  
*Ante*, p. 141,  
chap. 37.

## CHAPTER 12.

### ORDER ALLOWING THE BRISTOL CO. TREAS<sup>RS</sup> ACCT.

AN ACCOMPT presented by Samuel Howland, Treasurer of the County of Bristol for the Year 1735; Having been laid before the Court of General Sessions of the peace for the said County and by them Allowed;

Read &

*Ordered* that this Accompt be Allowed. [*Passed June 3.*]

Legislative  
Records of the  
Council, xvi.,  
322.

House Jour-  
nal, p. 19.

## CHAPTER 13.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREAS<sup>R</sup> OF WORCESTER CO.Legislative  
Records of the  
Council, xvi.,  
322.House Jour-  
nal, p. 16.

AN ACCOMPT presented by Benjamin Flag Treasurer of the County of Worcester for the Year 1735, having been laid before the Court of General Sessions of the peace for the said County and by them Allowed  
Read & Accepted &  
*Ordered* that the Accompt be Allowed. [*Passed June 4.*]

## CHAPTER 14.

ORDER ERECTING THE INHABITANTS OF THE VILLAGE OF MASSAPOISETT INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xvi.,  
322.House Jour-  
nal, p. 17.

A PETITION of John Hammond & Benjamin Hammond with Sundry others Inhabitants of a Place called Mettapoiset in the Town of Rochester; Shewing that many of the petitioners live at a great Distance from the Place of The Publi<sup>k</sup> Worship of God in the said Town, that they go thro' many Difficul<sup>ty</sup>s in Attending the same, and that the said Town of Rochester at a Meeting Regularly Assembled the Sixth of January last, Voted their Consent for the Pet<sup>rs</sup> being Set off a Seperate precinct; Therefore praying for the Order of this Court for erecting the Inhabitants & Lands in the said Village into a Seperate and Distinct precinct Agreeable to the said Vote.

Read &amp;

*Ordered* that the prayer of the petition be Granted, and the pet<sup>rs</sup> with all the Lands in the Village called Massapoissett in the Town of Rochester, be and hereby are Erected into a Seperate and Distinct precinct, to hold and Enjoy Equal powers, priviledges, and Immunitys, with any other precinct in the Province; Agreeable to the Vote of the Town of Rochester at their Meeting held the Sixth day of January 1735 6, for Setting them off a precinct in the Words follow<sup>g</sup> viz<sup>t</sup> Beginning at the Bridge over the Ceder Swamp Brook so Called, thence West to Dartmouth line, then beginning at said Bridge and Running two hundred Rods East, from thence such a Strait line to the Sea as will Strike that Lott of Land which Thomas Winslows house now stands upon, at the Most North Easterly part thereof and so down to the sea, including all the Lands and meadow within the Same belonging to the Ministry of Rochester. [*Passed June 4.*]

## CHAPTER 15.

ORDER OF NOTICE ON THE PETITION OF ELIHU BRETT &amp; OTHERS OF BRIDGEWATER TO BE ANNEXED TO EASTON.

Legislative  
Records of the  
Council, xvi.,  
323.House Jour-  
nal, p. 24.

A PETITION of Elihu Brett Joshua Haward, Josiah Winslow & Sundry others Inhabitants on a Tract of Land on the West side of Bridgewater, containing half a Mile and Upwards in breadth, and in length; beginning at Stoughton line and Extending Southerly the whole Length of Easton: Praying that the said Lands w<sup>th</sup> the Inhabitants thereon may be Annexed to and Accounted as part of Easton or that a Committee



may be Appointed to View the Land at their Cost in order for Effecting the same

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Town of Bridgwater with a Copy of this petition, that they may shew Cause, if any they have, on Thursday the Seventeenth Instant, if the Court be then Sitting, if not on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be Granted.<sup>1</sup> [*Passed June 4.*

## CHAPTER 16.

ORDER CONFIRMING A PLAT OF 400 ACRES LAND TO SAMUEL THAXTER, JOHN TURNER AND WILLIAM DUDLEY ESQ<sup>RS</sup>.

A PLAT of four hundred Acres of Land laid out by Nath<sup>l</sup> Kellogg Survey<sup>r</sup> and Chaimmen on Oath, to Satisfy a Grant of this Court of the first of March 1733, of Twelve hundred Acres of Land, to Samuel Thaxter John Turner and William Dudley Esq<sup>rs</sup> (Eight hundred Acres thereof being already platted delineated & Confirmed) Which four hundred Acres is bounded as followeth; begining at a Chesnut, Standing on the East side of little Pomroy so Called, which is a hill between the Second and third branches of Swift River, West of Lambstown; from said Tree North 14 Deg. East, Three hundred and Thirty two Rods to a heap of Stones; thence East 12 Deg. South two hundred and Seventy Rods to a White Oak Mark'd **W D**; thence South 12 deg. West One hundred and Seventy Rods to a Sassafras Tree; thence West 12 deg. North Seventy two Rods to two Small White Oaks, thence West 44 deg. South One hundred and twenty Rods then West two hundred and Nine Rods to the bounds first mentioned bounded on all sides on Province Land.

Read &

*Ordered* That the plat be and hereby is Accepted and the Lands therein Delineated and Described be and hereby is confirmed to the said Samuel Thaxter John Turner and William Dudley Esq<sup>s</sup> their heirs and Assignes Respectivly forever, in full Satisfaction of a Grant of twelve hundred Acres of Land, formerly made them by this Court (Eight hundred Acres the other part being before confirmed to them) provided the plat exceeds not the quantity of four hundred Acres, and does not interfere with any former Grant. [*Passed \* June 5.*<sup>2</sup>

## CHAPTER 17.

ORDER OF NOTICE ON THE PETITION OF SAMUEL KINGMAN & OTHERS OF BRIDGWATER, TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of Samuel Kingman William French and Sundry other Inhab<sup>ts</sup> of the North part of Bridgwater, Shewing that they live at a Great distance from the place of Publick Worship of God in said Town,

Legislative  
Records of the  
Council, xvi.,  
323.

House Journal,  
p. 26.  
Province  
Laws, xi., 788,  
chap. 200.  
*Ante*, p. 189,  
chap. 149;  
p. 189, chap.  
150. *Post*,  
p. 297, chap. 82.

Legislative  
Records of the  
Council, xvi.,  
324.

<sup>1</sup> At the hearing on June 18, 1736, House Journal, p. 55, this petition was dismissed.

<sup>2</sup> The evidence of the concurrence of the Council and of the Governor's consent to this order will be found in the following chapters, to wit, *ante*, p. 189, chap. 149, Province Laws, xi., 788, chap. 200, and in the House Journal, p. 80, December, 1737. In the surveyor's certificate on plan of the 800 acres, Maps and Plans, Mis., xi., 25, we find the following, to wit, "Layed out Eight Hundred acres of Land to Satisfie a Grant Made to y<sup>e</sup> Hon<sup>bl</sup> John Turner Samuel Thaxter and William Dudley Esq<sup>rs</sup> being in full Satisfaction of the Remainder of a Grant of Twelve Hundred acres part where of being formerly Laid out," &c.

House Jour-  
nal, p. 24.

and are thereby Subjected to great Difficultys and Inconveniencys in their Attendance thereon; praying this Court would please to put a Sanction on a Vote of the West precinct in Bridgwater passed in April 1728 for Setting them off a distinct precinct for the Reasons mentioned

Read and

*Ordered* that the pet<sup>rs</sup> Serve the Town of Bridgwater, as also the East & West precinct there with a Copy of this petition, that they Shew Cause on thursday the Seventeenth day of June Currant, if any they have, Why the prayer thereof should not be Granted; and the petition is Referred in the mean time for Consideration, if the Court should not be then Sitting then to make Answer on the first Tuesday of the next Sitting.<sup>1</sup> [*Passed June 5.*]

## CHAPTER 18.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND FOR UXBRIDGE.

Legislative  
Records of the  
Council, xvi.,  
324. Maps and  
Plans, x., 10.

Maps and  
Plans, x.,  
10 *ter.* House  
Journal, p. 111  
(November,  
1735); p. 23.  
*Ante*, p. 248,  
chap. 277.

Two PLATS containing in the Whole Five hundred Acres of Land laid out by John Sibley Survey<sup>r</sup> and Chainmen on Oath to Satisfy a Grant made by this Court to the Town of Uxbridge, for their Encouragement in building and Repairing of Bridges in said Town. One plat containing three hundred & forty Acres and One hundred & forty Rods, Adjoining to Sutton South line; the other plat containing One hundred and fifty Nine Acres and twenty Rods, Adjoining partly on Roxbury School Lands, were Accompanied with a petition of the said Town of Uxbridge for their confirmation

Read and

*Ordered* that the plats be accepted and allowed, and the Lands therein delineated and described be and hereby are confirmed to the town of Uxbridge and their assigns for Ever, provided the plats contain no more than five hundred acres of Land in the whole, nor Either of them interfere with any other or former Grant. [*Passed June 5.*]

## CHAPTER 19.

ORDER OF NOTICE ON THE PETITION OF ROBT POND & OTHERS OF WRENTHAM TO BE ERECTED INTO A SEPARATE TOWNSHIP.

Legislative  
Records of the  
Council, xvi.,  
325.

House Jour-  
nal, p. 27.

A PETITION of Robert Pond and Sundry others Inhabitants of the Westerly part of Wrentham, Setting forth the Great hardships and Difficultys they Suffer with Respect to their Attendance on the Publick Worship of God, Occasioned by their Great Distance from the Meeting house in that Town; praying that they may be Erected into a Seperate and Distinct Township, by the lines therein Set forth, which includes part of Medway; or that a Committee may be Appointed to View and Consider their Circumstances, in order to their being Set off by such bounds as shall be thought Reasonable.

Read &

*Ordered* That the pet<sup>rs</sup> Serve the Towns of Wrentham and Medway with Copys of the petition, that they Shew Cause if any they have, on the first Fryday of the next Sitting of the Court, why the prayer thereof should not be Granted. [*Passed June 5.*]

<sup>1</sup> At the hearing on June 18, 1736, House Journal, pp. 54, 55, this petition was dismissed.

## CHAPTER 20.

## ORDER OF NOTICE ON THE PETITION OF THE UPTON SELECTMEN FOR THE ABATEMENT OF THEIR PROVINCE TAX, AND FOR LIBERTY TO TAX UNIMPROVED LANDS.

A PETITION of John Hazelton and Jonathan Wood, Selectmen of the Town of Upton in the County of Worcester; Shewing That they apprehend the said Town is over Charged in the Province Tax, which happens by Reason of their Neglecting to Send in a list of the Valuation of their Estates as the Law Required; Praying that their Tax may be lessened or that their whole Province Tax may be Abated, Considering the Greatness of their Town Charges; And further Setting forth that there is a Great quantity of Unimproved Lands in said Town, belonging to Nonresident Proprietors which Increase in their Value by the Labour of the Inhabitants praying Also that the said Lands may be Subjected to a Reasonable Tax for a Term of Years the better to Enable said Town to defrey the Charge of building and finishing a New Meeting house and Supporting the Ministry there

Legislative  
Records of the  
Council, xvi.,  
325.

House Jour-  
nal, pp. 27, 28.

Read and In Answer to that part of the petition Which Relates to the Taxing of the Nonresident proprietors Lands

*Ordered* that the pet<sup>rs</sup> give publick Notice to the proprietors of the Unimproved Lands in the Town of Upton, belonging to Nonresident proprietors of this petition by putting up Notifications in the said Town of Upton, as also in Worcester the Shire Town of the County wherein the Lands ly, that they shew Cause if any they have on the first Thurs- day of the next Sitting of the Court, Why the prayer thereof should not be Granted, and that the peti[tion] is Referred to that time for further consideration. [*Passed June 5.*]

## CHAPTER 21.

ORDER ALLOWING THE MIDDLESEX CO. TREAS<sup>RS</sup> ACCT.

AN ACCOMPT presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the Year 1735, Having been laid before the Court of General Sessions of the peace for the said County, and by them Allowed;

Legislative  
Records of the  
Council, xvi.,  
325.

Read &

*Ordered* that this Accompt be Allowed. [*Passed June 5.*]

House Jour-  
nal, p. 26.

## CHAPTER 22.

## ORDER IMPOWERING THE SELECTMEN OF THE TOWN OF UXBRIDGE TO CALL A TOWN MEETING.

A PETITION of John Harwood, by Order of the Selectmen of the Town of Uxbridge and in behalf of said Town Shewing that at their Anniversary Meeting in March last, divers persons were Admitted to Vote who were not Qualified According to the Directions of the Law; and the Selectmen then Chosen, being Sensible of the Illegality of their Choice, Signified the Same to the Selectmen of the last year, and Re-

Legislative  
Records of the  
Council, xvi.,  
326.

House Jour-  
nal, p. 30.

quested them to petition this Court, that so the Town might be enabled to proceed to a New Choice; praying That they may be Impowred to assemble the Town Again for the Choice of Town Officers by a fair and Legal Election.

Read and

*Ordered* that the prayer of the petition be Granted, and the Select men of the Town of Uxbridge for the Year 1735 be and hereby are fully Impowred and directed, as soon as may be, to Issue out their Warrants directed to the Town Clerk of said Town, Requiring him to Notify and Warn the Freeholders and other Inhabitants there, Lawfully qualified to Vote, to Assemble and Convene at such time and in such publick place in said Town, as shall be Expressed in said Warrant; And the said Voters so Assembled are hereby Impowred to make Choice of Town officers in the said Town for the Year Currant; which Choice shall be Deemed Good and Valid, as thô it had been made in the month of March last; And the Election of the officers made in said Town in March as within mentioned is hereby Superseeded and Declared null & Void to all Intents and purposes whatsoever. [*Passed June 8.*]

## CHAPTER 23.

### VOTE FOR CALLING THE FIRST TOWN MEETING AT METTAPPOISET.

Legislative  
Records of the  
Council, xvi.,  
328.

House Jour-  
nal, p. 32.  
*Ante*, p. 266,  
chap. 14.

*Ordered* That M<sup>r</sup> Jabez Hammond, One of the principal Inhabitants of the New precinct at Metapoiset in Rochester, be & hereby is fully Authorized and Impowred to assemble and Convene in Some Suitable place in said precinct the Freeholders and other Inhabitants there Lawfully Qualified for Voting That the[y]<sup>1</sup> Chuse a precinct Clerk and other parish officers to Stand Untill their Anniversary Meeting in March next. [*Passed June 9.*]

## CHAPTER 24.

### ORDER OF NOTICE ON WM VIRGINS PETITION FOR A RE-TRIAL OF AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
328.

House Jour-  
nal, pp. 149, 150.  
(December,  
1735); pp. 33, 34.  
*Ante*, p. 188,  
chap. 147.

A PETITION of William Virgin of Brookfield; praying that the Order of this Court of the 26<sup>th</sup> 2 of December last on his former petition then Entred for another Trial of an Action brought Against him by One Daniel Bemis of Mortlake in Connecticut Colony may be Revived and he be enabled Anew to Serve the Order of this Court on the said Daniel Bemis

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adverse party with a Copy of this petition that so he may Shew Cause, if any he have on the first Fry-day of the next Sitting of the Court, why the prayer thereof should not be Granted. [*Passed June 9.*]

<sup>1</sup> "They," in the State Library copy, Legislative Records of the Council, xvi., 328.

<sup>2</sup> The House Journal, p. 33, reads, "the 16<sup>th</sup>. of December." See also House Journal, p. 149 (December, 1735), and *ante*, p. 188, chap. 147.

## CHAPTER 25.

### ORDER ALLOWING THE PLYMOUTH CO. TREAS<sup>RS</sup> ACC<sup>T</sup>.

AN ACCOUNT presented by John Dyer Treasurer of the County of Plymouth for the Year 1735 Having been laid before the Court of General Sessions of the peace for the said County and by them allowed

Read & Accepted &

*Ordered* that this Account be Allowed. [*Passed June 10.*]

Legislative  
Records of the  
Council, xvi.,  
329.

House Jour-  
nal, p. 37.

## CHAPTER 26.

### ORDER ACCEPTING THE REPORT ON THE PETITION OF BARRINGTON & REHOBOTH INHABITANTS IN REGARD TO BUILDING THE MILES RIVER BRIDGE.

THE COM<sup>TE</sup> Appointed upon the petition of Sundry of the Inhabitants of Rehoboth and Barrington; Having Considered the Subject Matter of the said petition and the Answer Signed by the Agent of Swanzey and heard the partys and perused the papers, are humbly of Opinion, that it is Convenient and Necessary the Bridge Called Miles Bridge should be kept up and Maintained, and that a Law be made to Oblige the Towns of Swanzey and Barrington to keep up and maintain a Good Cart Bridge there, Two thirds thereof at the Cost and Charge of the Town of Swanzey, and the other third at the Cost of the Town of Barrington; and that the Justices of the Court of General Sessions of the peace within the County of Bristol be Impowred and directed by said Law from time to time to give orders for assessing the said Towns for building and Repairing said Bridge in proportion as aforesaid: all which is humbly Submitted.

In the name and by order of the Com<sup>tee</sup>

SETH WILLIAMS

Read and Accepted And the same Com<sup>tee</sup> are desired to prepare a Bill Accordingly. [*Passed June 10.*]

Legislative  
Records of the  
Council, xvi.,  
329.

Legislative  
Records of the  
Council, xvi.,  
322. House  
Journal, p. 38.  
Province  
Laws, ii., 795,  
chap. 5.  
*Ante*, p. 242,  
chap. 263.

## CHAPTER 27.

### VOTE FOR MAKING PROVISION FOR CELEBRATING THE MARRIAGE OF THE PRINCE OF WALES.

In Councel

*Voted* That Thomas Hutchinson William Dudley John Jeffries and Anthony Stoddard Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Com<sup>tee</sup> to make provision for Celebrating in a handsome manner the late Nuptials of his Royall Highness the Prince of Wales

In the House of Represent<sup>a</sup> Read and Concurr'd and Mr Cooke Mr Thatcher Mr Cushing Mr Prout Col<sup>o</sup> Fullam Col<sup>o</sup> Brown and Mr Norton are Joined in the Affair. [*Passed June 10.*]

Legislative  
Records of the  
Council, xvi.,  
330.

Legislative  
Records of the  
Council, xvi.,  
329 *bis*. House  
Journal, pp. 38,  
39.



## CHAPTER 28.

ORDER OF NOTICE ON THE PETITION OF SAM<sup>L</sup> TILSON ELEA. PICKARD  
& SYLV. DAVIS PRAYING FOR REFUND OF MONEY PAID FOR SUP-  
PORT OF A MINISTER.

Legislative  
Records of the  
Council, xvi.,  
330.

House Jour-  
nal, p. 259  
(March, 1735);  
p. 38. Province  
Laws, xi., 676,  
chap. 64.

A PETITION of Samuel Tilson, Eleazer Pickard jun<sup>r</sup>, & Sylvanus Davis<sup>1</sup> of Plympton; praying they may be Reimbursed the money they have paid for the Support of the Ministry in the South precinct there, and that they may Remain to M<sup>r</sup> Jonathan Parkers Ministry Where their Fathers were ordered to pay Taxes, pursuant to an order of this Court in the Year 1732

On a Motion Made & Seconded

*Ordered* that the petition be Revived & that the pet<sup>rs</sup> Serve the said South precinct with a Copy of the petition, that they Shew Cause, if any they have, on the first Tuesday of the next Sitting of the Court why the prayer of the petition should not be Granted and the petition is Referred for Consideration Accordingly. [*Passed June 12.*]

## CHAPTER 29.

ORDER ON JOS. STOCKBRIDGES PETITION FOR A JURY TRIAL OF AN  
ACTION.

Legislative  
Records of the  
Council, xvi.,  
331.

House Jour-  
nal, p. 41.  
Province  
Laws, i., 466,  
chap. 6; xi.,  
766, chap. 146.

A PETITION of Joseph Stockbridge of Hanover in the County of Plym-  
onth Yeoman, Praying the Consideration of this Court that they would  
give Orders that the Justices of the Superiour Court of Judicature &c  
at their next Session in April at Plymouth in the County of Plymouth  
to try a Writ of Review of an Action he brought against Job Otis of  
Situata in said County Yeoman in Ejectment, which is continued to  
said Term in April next for Advisement, that he may have a Trial by  
a Jury notwithstanding the Reference heretofore Entred into by the  
partys, and the Judgment thereon; and altho the three Years allowed  
by Law for Reviewing be Elapsed or that other Effectual Order may  
be taken for his Relief in the premisses, or that he may not go with-  
out Remedy in the Law for the Reasons mentioned.

Read &

*Ordered* that the prayer of the petition be Granted and that the Jus-  
tices of the Superiour Court of Judicature Court of Assize and General  
Goal Delivery be and hereby are Accordingly, at the next Superiour  
Court of Judicature Court of Assize and General Goal delivery, to be  
holden at Plymouth within and for the County of Plymouth (to which  
time the Cause within mentioned is continued for Advisement) Im-  
powred and directed to hear and try the Merits of the said Cause by  
a Jury, Any Reference thereof by the partys and Judgment of said  
Court thereon or Impropriety in point of Form in any order of this  
Court, in making void any Judgment of the said Sup<sup>r</sup> Court, or lapse  
of the time by Law Allowed for Reviews notwithstanding; and that  
the Costs hitherto Sustained Remain as they are. [*Passed June 12.*]

<sup>1</sup> The first petition, House Journal, p. 259 (March, 1735), gives the names as "*Samuel Tilson, Eleazer Rickard, jun. and Sylvanus Dunham.*"

## CHAPTER 30.

ORDER ACCEPTING THE COMMITTEES REPORT ABOUT N<sup>o</sup> YARMOUTH LINE.

IN PURSUANCE of an order of the Hon<sup>ble</sup> the Great and General Court or assembly of his majestys province of the Massachusetts Bay held at Boston April 9. 1735,<sup>1</sup> On the memorial of Rowland Houghton in behalf of the propriet<sup>rs</sup> of North Yarmouth Relating to the Settlement of Boundaries between the Province and said Town.

We the Subscribers have Met and finished the Runing and Perambulating of said lines According to said Order, as follows viz<sup>t</sup> On Tuesday the twenty Seventh of April 1736, We met at a Rock Called the White Rock a Boundary between the Towns of Falmouth and North Yarmouth in Casco Bay and Run a North West Course, Eight Miles, in order to find out the Westerly Corner of North Yarmouth; which we found to be some Black Birches and a Maple Marked Standing together; From thence we Extended a line North East (which includes the Gore of Land lately Granted to the proprietors of North Yarmouth) Eleven Miles and two hundred Rods which intersects a North West Course from a boundary of the said Town of North Yarmouth Called Bungamunganog, where the Perambulation or Runing of said lines was begun the last Year, in pursuance of the said order of the Great and General Court; and Runing of the said North East line three Miles from the said Birches and Maple we Raised the Monument, which is a Beach Tree marked being the Corner Boundary of the New Township lately Granted to Sundry Inhabitants of Marblehead; And Six Miles further on the said line we Raised a Monument for a Corner Boundary of the New Township lately Granted in Answer to the petition of Jonathan Powers John Hunt and Others, being a Beach tree Marked with Stones about it And we fairly Marked the Trees throughout the Whole line In Witness whereof we have Mutually Set to our hands at North Yarmouth the first day of May Anno Dom 1736 being thereto Respectively Appointed and Impowred as to the aforesaid Perambulation.

ABNER BROWN } Com<sup>tee</sup> in  
EDWARD KING } behalf of  
NOAH MITCHELL } North Yarmouth

EBEN. BURRILL } Com<sup>tee</sup> in  
JN<sup>o</sup> WAINWRIGHT } behalf of  
JOHN HOBSON } the Mass<sup>s</sup>  
JOSEPH BLANEY } Prov:

Read &

*Ordered* that this Report be Accepted. [*Passed June 12.*]

## CHAPTER 31.

## ORDER CONFIRMING A PLAT OF A TOWNSHIP TO CPT. GARDNERS SOLDIERS.

A PLAT of a Tract of Land Containing Twenty three Thousand & forty Acres, Exclusive of a Farm belonging to Johnson and Company, as also Farms belonging to Severance and Field; laid out by Nath<sup>l</sup> Kellog Survey<sup>r</sup> and Chain men on Oath, by Virtue of a Grant made by this Court to Samuel Newell and others officers & Soldiers in the Canada Expedition Anno 1690, Under the Command of Cap<sup>t</sup> Andrew

Legislative  
Records of the  
Council, xvi.,  
331.

House Jour-  
nal, p. 40.  
*Ante*, p. 120,  
chap. 264;  
p. 131, chap. 12.

Legislative  
Records of the  
Council, xvi.,  
333. Maps and  
Plans, x., 11.

Maps and  
Plans, x.,  
11 *his*. House  
Journal, p. 23.

<sup>1</sup> *Quære*, April 19, 1735? See *ante*, p. 120, chap. 264.

*Ante*, p. 142,  
chap. 39.

Gardner deced, Bounded as follows, viz<sup>t</sup> Westerly on Northfield & Province Land, East partly on province Land, and partly on Paquaongue, North partly on Arlington and partly on Province land; South on Province land:<sup>1</sup> begining at Northfield East bounds, about Eighty Rods North of the Rhoad to Lunenburg, and Runing East 1,940 perch (with the Allowance of about one Chain in thirty upon each line) to a heap of Stones; from thence Nineteen hundred and fifty perch to a heap of Stones in Paquaongue North bounds; thence West one hundred and Seventy Nine perch to Paquaongue North West Corner, thence South two hundred & fifty Six perch in Paquaongue West bounds, to a Small Maple tree with Stones, thence West fifteen hundred and forty five perch to a Stake and Stones thence North 7 Deg 30 Min West Six hundred & Sixty perch to Northfield South East Corner the same Course in the whole Two Thousand two hundred & Sixty five perch to a heap of Stones.

Read and

*Ordered* That the plat be Acepted, and the Lands therein delineated and described, (<sup>2</sup>exclusive of the respective Farms within mentioned) be & hereby are confirmed to the Grantees mentioned in the petition of samuel Newell and others in behalf of sundry Officers and soldiers in the Canada Expedition Anno 1690 in the Company under the Command of the late Cap<sup>t</sup> Andrew Gardner their Heirs and assigns and lawfull Representatives respectively for Ever they complying with the Conditions of the Grant; provided the plat exceeds not the quantity of Six miles square of Land (exclsive of the aforementioned Farms) and does not interfere with any other former Grant. [*Passed June 15.*]

## CHAPTER 32.

ORDER CONFIRMING A PLAT OF THE GROTON GRANT AND ALLOWING THE TOWN OF IPSWICH TO SURVEY AND LAY OUT EQUIVALENT LAND.

Legislative  
Records of the  
Council, xvi.,  
334.

Legislative  
Records of the  
Council, xvi.,  
334. House  
Journal, p. 254  
(March); p. 22,  
*Ante*, p. 239,  
chap. 257.

A MEMORIAL of Benj<sup>a</sup> Prescott Esq<sup>r</sup> Represent<sup>s</sup> of the Town of Groton in behalf of the Proprietors there, praying that the Votes of the House on his Memorial & a plat of Ten Thousand Eight hundred Acres of Land, lately Granted to the said Proprietors, as Entred in the House the 25 of March last, may be Revived and Granted, The bounds of which Tract of Land as Mentioned on the said Plat are as follows viz<sup>t</sup>; begining at the North West Corner of Dunstable at Dram Cup hill by Sohegan River, and Runing South in Dunstable line last Perambulated and Run by a Com<sup>tee</sup> of the General Court, two Thousand One hundred & fifty two poles to Townshend line, there making an Angle, and Runing West 31½ Deg. North on Townshend line & province Land Two Thousand and Fifty Six poles to a Pillar of Stones then turning and Runing by Province Land 31½ deg North two Thousand & forty Eight poles to Dunstable Corner first Mentioned

Read &

*Ordered* that the prayer of the Memorial be Granted, and further that the within Plat as Reformed and Altered by Jonas Houghton Survey<sup>r</sup> be and hereby is Acepted and the Lands therein Delineated and Described (Excepting the said One Thousand Acres belonging to Cambridge School Farm and therein included) be and hereby are Confirmed

<sup>1</sup> The words "South . . . land" are inserted from the State Library copy, Legislative Records of the Council, xvi., 333.

<sup>2</sup> Mark of parenthesis inserted from the State Library copy, Legislative Records of the Council, xvi., 333.

to the Proprietors of the Town of Groton their heirs and Assignes Respectively forever, According to their Several Interests; Provided the same do not Interfere with any former Grant of this Court nor Exceeds the Quantity of Eleven thousand Eight hundred Acres And the Committee for the Town of Ipswich are allowed and Impowred to lay out such quantity of Land on their West line as is Equivalent to what is taken off their East line as aforesaid, and Return a plat thereof to this Court within twelve Months for Confirmation.<sup>1</sup> [*Passed June 15.*]

## CHAPTER 33.

### ORDER CONFIRMING A PLAT OF TWO TOWNSHIPS TO BOSTON INHABITANTS.

A PLAT of two Townships containing Twenty three thousand and forty Acres of Land in each laid out by Nath<sup>l</sup> Kellog Survey<sup>r</sup> & two Chaimmen on Oath in part Satisfaction of a Grant of Several Townships made by this Court Anno 1735 to the Town of Boston One Township Called Number one<sup>2</sup> Bounded as follows viz<sup>t</sup> beginning at a Hemlock tree Standing on the Southerly Side of Deersfield River about forty Rods from said River at the North end of a Mountain near the Crotch of said River; thence Runing East Nineteen Deg. South two Thousand Eight hundred and Sixty perch, from thence North Seventeen hundred and five perch to a Stake and Stones, then West 6 Degrees North two Thousand four hundred and fifteen perch then South 19 Deg. West to the aforementioned Tree bounded on Unappropriated Lands of the province on every side Except the East which is bounded partly on the Township Number two aforesaid

The other Township Called Number two<sup>3</sup> is bounded on the East and North with Unappropriated Lands South partly on Deerfield North bounds & partly on Unappropriated Lands West partly on Unappropriated Lands and partly on the Township Number One aforesaid; beginning at a Chesnut tree in Deerfield North bounds thence Runing Seventeen hundred and Seventy Seven perch to a Stake & Stones then North two Thousand and Seventy five perch to a Stake and Stones thence East Seventeen hundred and Seventy Seven perch to a Stake and Stones and thence South two Thousand and Seventy five perch to the beforementioned Chesnut tree

Read and

*Ordered* That the within plat containing two of the townships granted by the General Court Anno 1735 to the town of Boston Called Number One and Number two as within mentioned be and hereby is Accepted, and the Lands therein contained delineated and described are accordingly confirmed to the Freeholders and Inhabitants of the town of Boston and their assigns respectively for ever, they complying with the Conditions of the GRANT, provided that neither of the townships contain no more than the quantity of Six Miles square of Land, and neither of them interfere with any former Grant. [*Passed June 15.*]

<sup>1</sup> The record here adds the following:—

“And in Answer to the said Memorial of Benja<sup>a</sup> Prescott Esq<sup>r</sup>

*Ordered* that the prayer of the MEMORIAL be Granted and the Com<sup>tee</sup> for the New Township Granted to some of the Inhabitants of Ipswich, are hereby Allowed to lay out an Equivalent on the West line of the said New Township Accordingly.”

<sup>2</sup> Now Charlemont.

<sup>3</sup> Now Colrain.

Legislative Records of the Council, xvi., 334. Maps and Plans, x., 12.

Maps and Plans, x., 12. House Journal, pp. 39, 40. *Ante*, p. 156, chap. 69.

## CHAPTER 34.

## ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO JONATH. POWERS &amp; OTHERS.

Legislative  
Records of the  
Council, xvi.,  
336. Maps and  
Plans, xi., 2.

Maps and  
Plans, xi., 2 *his*.  
House Jour-  
nal, p. 45.  
*Ante*, p. 252,  
chap. 288.

A PLAT of a Tract of Land of Six Miles Square laid out by Rowland Houghton Survey<sup>r</sup> and Chainmen on Oath, to Satisfy a Grant of this Court to Jonathan Powers John Hunt & others, of the third of December last bounded on North Yarmouth on One Side and Runing North 45 Deg. East Six Miles then North 45. d. West then South 45<sup>d</sup> West Six Miles then South 45<sup>d</sup> East Six Miles as *pp* plat Appears

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described be and hereby are confirmed to the petitioners mentioned in the petition of Jonathan powers, John Hunt and others and their Associates, & their heirs and Assigns respectively for Ever they Complying with the Conditions of the Grant, provided the plat exceeds not the quantity of Six Miles square of Land, and does not interfere with any former Grant. [*Passed June 17.*]

## CHAPTER 35.

ORDER CONFIRMING A PLAT OF 400 ACRES OF LAND TO ZECH<sup>A</sup> FIELD.

Legislative  
Records of the  
Council, xvi.,  
337. Maps and  
Plans, x., 27.

Maps and  
Plans, x., 27.  
House Jour-  
nal, p. 53.  
*Ante*, p. 61,  
chap. 121;  
p. 179, chap.  
128.

A PLAT of four hundred Acres of Land Surveyed and laid out by Abner Lee Survey<sup>r</sup> and two Chain men on Oath, by Vertue of a Grant of this Court of the 29<sup>th</sup> of June 1734 Made to Zachariah Field of Northfield; beginning at a White pine tree Marked **Z F** and Stones on Paquoiaq line, and Runing West 14 deg. South two hundred and forty Rods to a Stake marked **G. F**, then North ten Deg. West forty three Rods then North 5 deg East forty Seven Rods to a Stake, then North 14 deg. West 47 Rods to a Stake, then North thirty Rods to a Maple Marked **G, F, S, F**, then North 10 deg. East Sixty four Rods to a Cherry Tree Marked **K T G F T M**, then North East 10 deg East two hundred Ninety five Rods to a Stake and Stones, where it met with Paquoiaq line then Runing South to the White pine tree first mentioned Allowing one Rod in thirty for Swag of Chain and a high way thrô the Same from Paquoiaq to Hatfield

Read and

*Ordered* That the plat be Accepted and and<sup>1</sup> the Lands therein delineated and described be and hereby are confirmed to the said Zecheriah Field his Heirs and Assigns for Ever provided the plat contains no more than the quantity of Four hundred Acres of Land and does not interfere with any former Grant, and together with four hundred Acres already laid out in full satisfaction of the Grant of Eight Hundred Acres made the said Zecheriah Field as aforesaid. [*Passed June 18.*]

<sup>1</sup> *Sic.*



## CHAPTER 36.

ORDER THAT THE TOWN GRANTED TO MAJ<sup>R</sup> TYNGS COMP<sup>A</sup> BELONG TO MIDDLESEX COUNTY.

*Ordered* that the New Township latly Granted to the Officers and Soldiers in the Company under the Command of Major William Tyng deced, lying on the East Side of Merrimack River commonly Called Old Harry Town,<sup>1</sup> be and hereby is declared & Determined to belong to and hence forward to be Accounted A part of the County of Middlesex. [*Passed June 18.*]

Legislative  
Records of the  
Council, xvi.,  
338.

House Jour-  
nal, p. 53.  
*Ante*, p. 254,  
chap. 291.

## CHAPTER 37.

ORDER GRANTING FURTHER TIME TO EDMUND FREEMAN TO SURVEY AND LAY OUT 300 ACRES OF LAND.

*Ordered* that twelve Months time More be Allowed to Edmund Freeman Esq<sup>r</sup> to take a plat of a Grant of Three hundred Acres of Land made to him by this Court in June last, The Survey<sup>r</sup> on whom he depended having Disappointed him. [*Passed June 18.*]

Legislative  
Records of the  
Council, xvi.,  
338.

House Jour-  
nal, p. 53.  
*Ante*, p. 136,  
chap. 25.

## CHAPTER 38.

ORDER IMPOWERING NATH<sup>L</sup> SALTONSTAL TO ENTER A WRIT OF REVIEW.

ON THE PETITION of Nath<sup>l</sup> Saltonstall by his Attorney William Blin [*ante*, p. 166, chap. 93, and p. 192, chap. 157]

Read, and forasmuch as the pet<sup>r</sup> has Given Bond Agreeable to the former Direction of this Court,

*Ordered* that the prayer of the petition be so far Granted, as that the pet<sup>r</sup> be and hereby is Enabled by a New process to Review the Action within Mentioned, at the next Superiour Court of Judicature &c to be holden at Boston within and for the County of Suffolk, on the Second Tuesday in August next; And that the Justices of the said Court be and hereby are Impowred and Directed to try the same, enter up Judgment, and Award Execution Accordingly. [*Passed June 19.*]

Legislative  
Records of the  
Council, xvi.,  
339.

House Jour-  
nal, p. 56.  
*Ante*, p. 166,  
chap. 93; p. 192,  
chap. 157.

## CHAPTER 39.

ORDER FOR A MEETING OF THE DORCHESTER CANADA SOLDIERS.

*Ordered* That Thomas Tilestone Esq<sup>r</sup> be and hereby is fully Authorized and Impowred to Assemble and Convene in Some Suitable place the Grantees of the Township<sup>2</sup> lately made in Answer to the petition of the said Tilestone in behalf of Some Dorchester Officers and Sold'ers in the Expedition Anno 1690, in the Company Under the Command of Cap<sup>t</sup> John Withington late deced, that they Chuse a Proprietors Clerk to pass such Rules and Orders as May be most agreeable for the Fulfillment of the Conditions of their Grant, and that they Agree how to Call future Meetings. [*Passed June 21.*]

Legislative  
Records of the  
Council, xvi.,  
340.

House Jour-  
nal, p. 57.  
*Ante*, p. 142,  
chap. 39.

<sup>1</sup> Afterwards Manchester, New Hampshire.

<sup>2</sup> This township became Ashburnham.

## CHAPTER 40.

## ORDER FOR A MEETING OF THE GRANTEES OF WEYMOUTH CANADA TOWN.

Legislative  
Records of the  
Council, xvi.,  
340.

House Jour-  
nal, pp. 56, 57.  
*Ante*, p. 181,  
chap. 132.

*Ordered* that Cap<sup>t</sup> Adam Cushing be and hereby is fully Authorized and Impowred to Assemble in Some Convenient place the Grantees of the Township<sup>1</sup> lately made to the officers and Soldiers &c of the Company Under the Command of Cap<sup>t</sup> Ephraim Hunt late deced, in the Canada Expedition Anno 1690, that they Chuse a Proprietors Clerk and pass Such Rules and Orders as may be most Agreeable to the fulfillment of the Conditions of their Grant, and how to Call future Meetings. [*Passed June 21.*]

## CHAPTER 41.

## ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO ABRA. TILTON &amp; OTHER CANADA SOLDIERS.

Legislative  
Records of the  
Council, xvi.,  
341. Maps and  
Plans, x., 16.

Maps and  
Plans, x., 16.  
House Jour-  
nal, pp. 60, 61.  
*Ante*, p. 142,  
chap. 39.

A PLAT of a Tract of Land of the Contents of Six Miles Square, laid out by Jonas Houghton Survey<sup>r</sup> and Chain men On Oath, to Satisfy a Grant of this Court in June 1735, in Answer to the petition of Abraham Tilton and others, officers and Soldiers in the Canada Expedition 1690; bounded Easterly on the Township laid out to Thomas Tilestone Esq<sup>r</sup> and others, Southerly on the Narragansett Township Number two, and part N<sup>o</sup> Six & part on Province land East, & Northerly upon Unappropriated Lands; beginning at a Stake the South Easterly Corner of the Township laid out for the said Tilestone & others, & Runs West 18 deg<sup>rs</sup> South two hundred & Seventy Rods to a White pine; thence North 34 deg. West to a Spruce One thousand five hundred & twenty Rods to the North Easterly Corner of the said Township Number Six, from thence West 12 Deg. North Six hundred Rods to a Birch, from thence North 12 deg East four Miles & two hundred & Sixty perch; from thence East 12 deg. South Six Miles; from thence South 12 Deg. West Seven Miles & two hundred perch to the beginning

Read and

*Ordered* That the plat be accepted, and the Lands therein delineated & described be & hereby are confirmed to the Officers and soldiers mentioned in the petition of M<sup>r</sup> Abraham Tilton and others who were in the Canada Expedition Anno 1690, and their heirs legal Representatives and descendants of Such of them as are Since deceased, and their heirs and assigns respectively for Ever, they performing and complying with the Conditions of the grant, provided the plat exceeds not the quantity of Six miles square of Land, and does not interfere with any former Grant. [*Passed June 22.*]<sup>2</sup>

## CHAPTER 42.

## ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND TO JOHN STODDARD.

Legislative  
Records of the  
Council, xvi.,  
341.

A PETITION of John Stoddard of Northampton in the County of Hampshire Esq<sup>r</sup> Shewing that by the favour of the Court he Obtained a Grant of One Thousand Acres of Land in December 1734, which his

<sup>1</sup> This township became Ashfield.

<sup>2</sup> According to the Legislative Records of the Council, xvi., 304, this chapter was consented to March 27, — evidently a mistake. — Maps and Plans, Mis., x., 16.

Circumstances have prevented him from laying out Until this Spring, That when he found that which in time Might be Serviceable, the Survey<sup>r</sup> had not time to Run the lines & Make Monuments; but only to fix a Station & by drawing Lines from thence in a plat Described, & Accompanying the petition; Praying that the plat may be Accepted and the Land therein Described and taken in by Timothy Dwight Survey<sup>r</sup> Confirmed to the petitioner; lying on the Main Branch of Housatanock River about Sixteen Miles Northward of Cap<sup>t</sup> Cuncaponts House; begining East 10 Deg. South Eighty perch from two Hemlock trees Marked, which trees stand on a Bridge of Upland, Running Northerly and Coming to a point a few Rods from said Trees, which are about ten Rods from a Sand bank on the East side of said Branch of Housatanock River, just above Unkameets Al<sup>s</sup> Katankemets Road, where it Crosseth said branch, and from the End of the aforesaid Eighty perch from said Trees it Runs North 10 deg East, two hundred & forty perch; thence West 10 Gr North four hundred perch thence South 10 Gr. West four hundred perch, thence East 10 Gr. South four hundred perch and from thence 10 Gr East One hundred & Sixty perch to the Eastern End of the first Eighty perch

Read &

*Ordered* that the plat be Accepted & the Lands therein Delineated & described be and hereby are Confirmed to the said John Stoddard Esq<sup>r</sup> and to his heirs and assigns forever to Satisfy the Grant within mentioned provided the same Interfere with no former Grant, provided Also that the Memorialist Do within the space of twelve Months by a Survey<sup>r</sup> and Chainmen on Oath Actually Run and Mark out on the Spot the lines at the place & According to the Description within mentioned and make Return thereof to this Court within the Term aforesaid. [*Passed June 22.*]

Maps and  
Plans, Mis.,  
xii., 5, 6.  
House Jour-  
nal, pp. 59, 60,  
62. *Ante*,  
p. 72, chap.  
146.

## CHAPTER 43.

### ORDER ALLOWING £120 TO ROBT BALL.

A PETITION of Robert Ball Keeper of the Lighthouse at the Entrance of the Harbour of Boston, Praying that an Establishment may be made him for his Services the Year Currant the last Year Expiring the last day of November past Which was at One hundred and twenty pounds  $\text{p}$  annum and also that he may have Some Allowance on the Account of the Charge he is at for firewood

Legislative  
Records of the  
Council, xvi.,  
342.

House Jour-  
nal, p. 60.  
*Ante*, p. 110,  
chap. 241.

Read & in Answer to this petition,

*Ordered* That the Sum of One hundred & twenty pounds be Granted and Allowed to be paid out of the Publick Treasury to the petitioner Robert Ball in full for his Services in keeping the Lighthouse for the Year Currant, to be Accounted from the Eighth day of November last past. [*Passed June 22.*]

## CHAPTER 44.

### ORDER OF NOTICE ON THE PETITION OF THE INHAB<sup>TS</sup> OF THE CLAP-BOARD TREES IN DEDHAM FOR A COMMITTEE ON BOUNDARY LINES.

A PETITION of Jonathan Ellis, Jedediah Tucker, and thirty others Inhabitants of Dedham, and of that part of the Town Called the Clap-board Trees; Praying that forasmuch as the Court hath Set them off

Legislative  
Records of the  
Council, xvi.,  
342.

House Journal, pp. 61, 62.  
*Ante*, p. 23,  
 chap. 41; p. 210,  
 chap. 195.

from the South precinct there as well as the North, A Com<sup>tee</sup> of this Court may be Appointed to Repair to that part of Dedham Called the Clapboard trees, and in Order to Adjust Matters & prevent Differences between them and the Other precinct, Notifying all Concerned of the time & place of meeting, and that the said Com<sup>tee</sup> may be Impowred to delineate Certain bounds & lines, whereby they may be Circumscribed, & that they may be also Vested with Equal Powers priviledges & Immunitys with any other precinct; which accompanied a Petition of Mr Byfield Lyde Praying that his Farm in said Town of Dedham may belong & be Accounted as part of the Clapboard tree Precinct

Read &

*Ordered* that the Pet<sup>rs</sup> Serve the North & South Precinct in Dedham with Copys of these petitions that they Shew Cause, if any they have, on the first Thursday of the next Sitting of the Court why the prayer thereof should not be Granted; and the petitions are Referr'd in the mean time for Consideration. [*Passed June 22.*]

## CHAPTER 45.

### ORDER OF NOTICE ON THE PETITION OF ELISAB. SLAUGHTER & OTHERS IN REGARD TO CONFIRMATION OF A DEED.

Legislative  
 Records of the  
 Council, xvi.,  
 343.

House Journal,  
 p. 61.

A PETITION of Elizabeth Slaughter of Boston Widow of John Slaughter of Boston Mariner deced, and Samuel Buttler and Mary his Wife; which Mary is the only Child of the said John, Shewing that on the Seventh of May 1713, the said John for the Consideration of Seventy five pounds in Bills of Credit purchased of Gyles Goddard and William Parkman of Boston, Admors of the Estate of Edward Taylor late of Boston aforesaid Housewright deced Insolvant, All that Messuage or Tenement of said Taylors, with the Appurces at the Southerly end of Boston, bounded in the Front or Northerly end by Essex Street so Called, who were Impoured and Accordingly in the said Capacity, by Leave Obtained from the Hon<sup>ble</sup> the Justices of his Majestys Sup<sup>r</sup> Court of Judicature, on the first Tuesday of May 1713 at Boston aforesaid, did by a deed of Sale Under their hands and Seals and duly Acknowledged, for the Consideration aforesaid Bargain Sell and Convey to the said John his heirs and assigns with Sufficient Warranty, the said Messuage Lands and premisses; And the said Goddard (who was Grandfather of the said John & his Attorney) kept the said Deed Untill his Death, and after the Death of the said Goddard the said Deed was found Amongst his papers with the Seal torn off, as it Appears, Exhibited with the petition; Praying for Such Relief in the premisses as to the Wisdom and Justice of this Court shall seem Meet, Especially considering that the Consideration money was accounted for to and Among the Creditors

Read &

*Ordered* that the pet<sup>r</sup> Serve Elijah Vinal the Adverse party, with a Copy of the petition, that so he shew Cause on Fryday the Twenty fifth Currant, if any he have. why the prayer thereof should not be Granted; And the petition is Referr'd to that time for Consideration. [*Passed June 22.*]

## CHAPTER 46.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO SAM<sup>L</sup> BUTTERFIELD.

A PLAT of three hundred Acres of Land laid out by Samuel Cummins Survey<sup>r</sup> and Chainmen on oath, to Satisfy a Grant of this Court of the first of January last to Samuel Butterfield of Chelmsford, lying on Merrimack River, near Namaskeag; bounded as follows, viz<sup>t</sup> beginning at a pine tree by the River & Running West 22 deg. South two hundred & Eighty Nine Rods to a Maple Marked with **CB**, thence North 22 deg. West One hundred & forty Rods to a pine Marked **CB** from thence East 22 deg. North four hundred Rods to a pine Marked; from thence East 30 deg. South thirty Eight Rods to a pine Marked **CB** at Merrimack River and then by the River to the bounds first mentioned.

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated & described be & hereby are confirmed to the said samuel Butterfield his heirs & assigns for Ever he or they complying with the Conditions of the Grant provided the plat exceeds not the quantity of three hundred acres of Land and does not interfere with any former Grant. [*Passed June 23.*]

Legislative  
Records of the  
Council, xvi.,  
346. Maps and  
Plans, x., 14.

Maps and  
Plans, x.,  
14 *bis*. House  
Journal, p. 64.  
*Ante*, p. 234,  
chap. 243.

## CHAPTER 47.

## ORDER IMPOWERING THE TOWN OF PEMBROKE TO SURVEY AND LAY OUT 500 ACRES OF LAND FOR A SCHOOL.

A PETITION of Elisha Bysby Esq<sup>r</sup> in behalf of the Town of Pembroke, praying the said Town may obtain a Grant of Some of the Unappropriated land of the Province the better to Enable them to keep a Grammer School in consideration of the Expence they are at in Maintaining the Ministry and Grammer School in said Town of which the Indians living therein, have an Equal Advantage, thô they are Excused from paying any Taxes towards the Support of the Ministry and School there

Read and in Answer to the within petition

*Ordered* that five hundred Acres of the Unappropriated lands of the province be and hereby are Given and Granted to the Town of Pembroke in the County of Plymouth for the use of and the better to Enable the said Town to keep a Grammer School therein, and the said Town of Pembroke is hereby allowed and Impowred by a Survey<sup>r</sup> and Chain men on oath, to Survey and lay out the said five hundred Acres of Land so as not to incommode the Settlement of a New Township, & that they Return a plat thereof to this Court within twelve Months for Confirmation to the said Town of Pembroke for the use of & the better to Enable them to keep a Grammer School as aforesaid. [*Passed June 24.*]

Legislative  
Records of the  
Council, xvi.,  
347.

House Jour-  
nal, pp. 16, 23,  
71.



## CHAPTER 48.

## ORDER DECLARING THE PROCEEDINGS OF A MEETING OF THE PROPRIETORS OF LITCHFIELD NULL AND VOID, AND AUTHORIZING A NEW TOWN MEETING.

Legislative  
Records of the  
Council, xvi.,  
326, 348.

House Jour-  
nal, pp. 31, 71,  
72.

A PETITION of Nathanael Curtis and Josiah Cummins, with Sundry others Inhabitants of the Town of Litchfield, in the County of Middlesex: Complaining of Sundry Irregularitys in the proceedings of the last Meeting there in March praying that the same may be Declared Null and Void, as being Contrary to Law and Order; and that a Warrant may Issue forth for the Calling a meeting for the Choice of Town officers for the Currant Year for the Reasons mentioned

Read; And it Appearing that the Adverse partys have been Served with a Copy of this petition, and no answer being Given in and the Matter being fully considered.

*Ordered* that the prayer of the petition be so far Granted as that the whole proceedings of the Meeting herein mentioned be & hereby are Superceeded and declared Null & Void, and that the Selectmen of the Town of Litchfield for the Year 1735, be and hereby are fully Impowred and directed as soon as may be to Issue out their Warrant, directed to the Town Clerk, Requiring him to Notify and warn the Freeholders, and other Inhabitants of said Town, to Assemble at such time and in such place in said Town, as shall be Expressed; And the said Voters so Assembled (under the Government and Direction of Benj<sup>a</sup> Prescott Esq<sup>r</sup> who is hereby Appointed and fully Authorized and Impowred to be the Moderator of the said Meeting, and to whom the Town Clerk is Strictly Required Seasonably to Return the Warrant for Calling the Meeting with his doings thereon) are hereby Impowred to make Choice of Town officers, in the said Town for the Year Currant; which Choice shall be Deemed Good and Valid as thô they had been made in the Month of March last. [*Passed June 24.*]

## CHAPTER 49.

## ORDER OF NOTICE ON THE PETITION OF GEO. WELLS FOR REVIEW OF AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
351.

House Jour-  
nal, p. 260  
(March, 1736);  
p. 75.

A PETITION of George Wells of Boston Sailmaker, praying that he may be Allowed to Review an Action of the Case, brought Against him by one James Anderson of North Yarmouth in the County of York, at the Inferiour Court held at Falmouth for said County, on the first Tuesday in October last, for the Recovery of Twenty pounds, when Judgment went against him by Default: the pet<sup>r</sup> not being Able to Attend the Court thrô. Indisposition of Body (as he says) And he is Able to make it Appear he owes the said Anderson Nothing.

Read &

*Ordered* that the petition be Revived, and that the petitioner Serve the Adverse party with a Copy of the petition, that he shew Cause, if any he have, on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be Granted, and the Execution within mentioned is Stay'd in the Mean time. [*Passed June 26.*]

## CHAPTER 50.

### ORDER OF NOTICE ON THE PETITION OF JOHN OLD.

ON THE PETITION of John Old, [*ante*, p. 193, chap. 160]

On a Motion Made and Seconded, The Question was put, Whether the petition shall be Revived? Resolved in the Affirmative &

*Ordered* that the pet<sup>r</sup> Serve the Adverse party Ephraim Haywood<sup>1</sup> or his Attorney with a Copy of the petition, that he shew Cause if any he have on the first Thursday of the next Sitting of the Court, why the prayer thereof should not be Granted and the petition is Referr'd in the Mean time for further consideration. [*Passed June 26.*]

Legislative  
Records of the  
Council, xvi.,  
351.

House Jour-  
nal, p. 76.  
*Ante*, p. 193,  
chap. 160.

## CHAPTER 51.

### ORDER OF NOTICE ON LIDDEL BUCKS PETITION TO FILE AN APPEAL.

A PETITION of Liddell Buck of Dedham in the County of Suffolk, Shewing That at a Court of General Sessions of the peace held at Boston for the County of Suffolk aforesaid, in April 1735, he was Accused of One Rebecca Wight<sup>2</sup> of being the Father of a Bastard Child and Sentence was passed Against him tho the pet<sup>r</sup> declared his Innocence and Saith, it is a Molutto Child, and that he being Ignorant of the Law did not Claim an Appeal from Said Sentence Praying that he may be Admitted to An appeal from the Sentence of said Court of General Sessions of the peace to the next Court of Assize to be holden at Boston in August next

Read &

*Ordered* that the Consideration of this petition be Referr'd to Wednesday next if the Court be then Sitting if not to the first Thursday of the next Sitting of the Court and that the pet<sup>r</sup> Notify the Adverse party Rebecca Wight & Eliphalet Holbrook, that they Shew Cause if any they have, why the prayer thereof should not be Granted, And all proceedings in the Law Relating to the premisses are Stay'd in the Mean time. [*Passed June 26.*]

Legislative  
Records of the  
Council, xvi.,  
339, 351.

Legislative  
Records of the  
Council, xvi.,  
328. House  
Journal, pp. 56,  
77. Province  
Laws, i., 466,  
chap. 6.

## CHAPTER 52.

### ORDER GRANTING COL<sup>O</sup> GOREHAM &c FURTHER TIME TO RETURN A PLAT OF A TOWNSHIP.

*Ordered* that twelve Months time more be Allowed to the Canada Officers and Soldiers Mentioned in the petition of Subal Goreham Esq<sup>r</sup>, as Entred the Eighteenth of June last, [*ante*, p. 140, chap. 36] to take and Return a plat of their Township they<sup>3</sup> Survey<sup>r</sup> on whom they Depended having failed them. [*Passed June 28.*]

Legislative  
Records of the  
Council, xvi.,  
352.

House Jour-  
nal, p. 75.  
*Ante*, p. 140,  
chap. 36.

<sup>1</sup> The House Journal, p. 76, reads, "*Hayward*."

<sup>2</sup> The House Journal, pp. 56, 77, reads, "*Wright*."

<sup>3</sup> Written "the," in the State Library copy, Legislative Records of the Council, xvi., 352.

## CHAPTER 53.

ORDER ON THE PETITION OF EDWARD WINSLOW ESQ<sup>R</sup> FOR STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
352.

House Jour-  
nal, p. 80.  
*Ante*, p. 277,  
chap. 38.

A PETITION of Edward Winslow of Boston Esq<sup>r</sup> Praying the Order of this Court for Staying An Execution taken out against him as Sheriff of the County of Suffolk at the Suit of Henry Stoaks, Occasioned by an Action, Originally Commenced and prosecuted by the said Henry Stokes Against Nathanael Saltonstall jun<sup>r</sup>, the said Saltonstall by his Attorney William Blin having Given Bond Agreeable to the Order of this Court for what may be finally Recovered on another Tryall;

Read &

*Ordered* that the prayer of the petition be Granted and that the Execution Against the pet<sup>r</sup> therein Mentioned be Stay'd till the final Issue of the Action between Henry Stokes & Nath<sup>l</sup> Saltonstall therein also Referr'd to; the Costs to Remain as they are. [*Passed June 29.*]

## CHAPTER 54.

ORDER OF NOTICE ON THE PETITION OF JOHN COLMAN FOR IMPOW-  
ERING THE JUSTICES OF THE SUPERIOR COURT TO GIVE BACK TO  
REFERREES AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
352.

House Jour-  
nal, pp. 40, 80.

A PETITION of John Colman of Boston Esq<sup>r</sup> Shewing That he had an Action Depending in the Superiour Court of Judicature for the County of Suffolk, which was held at Boston in August last, Wherein the pet<sup>r</sup> was plan<sup>t</sup> Against John Darrell Def<sup>t</sup> and that he was prevaild with to Enter into a Rule of Court, to Submit all Differences between them to Referrees, that after a full hearing of both parties, the said Referrees brought in their Report to the said Court at their Adjournment, and Awarded to the said Darrell to pay to the pet<sup>r</sup> Twenty pounds damage, but omitted mentioning the Costs, and that the said Court Entred up Judgment Accordingly without Allowing Costs to the pet<sup>r</sup> Notwithstanding the Referrees (being Examined by the Court) declared it was their Intent and Meaning, that the said Darrell should pay the Costs, and that they Expected the Court would have Added it to the Debt or damage; but the Court did not see Cause so to do; praying that the said Court may be Impowred to Give back the said Report to the Referrees, that they may Act what they think may be Just and Right for the petitioners Relief.

Read and

*Ordered* that the pet<sup>r</sup> Serve John Darrell within named, with a Copy of this petition, that he may Shew Cause if any he hath on tuesday the fifteenth Currant at ten aClock in the Forenoon why the prayer thereof should not be Granted

In the House of Represent<sup>a</sup>

Read & Non Concurr'd and The Question was put, Whether the prayer of the petition shall be Granted? It pass'd in the Negative &

*Ordered* that the petition be Dismissed

In Council Read & Nonconcurr'd and the Council Adhere to their own Vote

In the House of Represent<sup>a</sup> Read & Concurr'd with the Amendments viz<sup>t</sup> Dele. On Tuesday the fifteenth Currant & Add

On Fryday the Second of July next, if the Court be then Sitting, if not on the first Thursday of the next Sitting of the Court.<sup>1</sup> [*Passed June 29.*]

## CHAPTER 55.

### ORDER OF NOTICE ON THE FALMOUTH PETITION REFERRING TO SAMUEL BARKER'S FERRY.

A PETITION of the Town of Falmouth & of Joseph Parker & others, Shewing that the General Court in Answer to the petition of Samuel Barker, Some years Since were pleased to Grant that his Landing place at Woods hole in Falmouth should be a Ferry place and the Town of Falmouth were not Notified, so that they had not an opportunity of making their Objections thereto; And Shewing further that they doubt not but they could make it Appear that the said Ferry place is Unnecessary, And that the Old Ferry place is most Convenient, the publick Way leading to it very Good, and a Nearer passage for Travellers than the way proposed to Barkers Ferry place; Praying that all the proceedings Relating to the Said new way may be Quashed, and Declared Null & Void; and that the Justices of the Court of General Sessions of the peace for the County of Barnstable may be Directed (if the said Barker should desire it, and they should think it any way Necessary for the said Barkers Conveniency) to proceed therein for the future as they shall think Lawfull and Convenient, as if no former Order Relating to the premisses had been made or given by the General Court

Read &

*Ordered* that the pet<sup>r</sup> Serve the said Samuel Barker the Adverse party with a Copy of the petition, that he shew Cause if any he have on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be Granted, and the petition is Referr'd to the said time for consideration Accordingly. [*Passed June 30.*]

## CHAPTER 56.

### ORDER CONFIRMING A PLAT OF 1,500 ACRES OF LAND TO THO. PLAISTEAD.

A PLAT of Fifteen hundred Acres of Land laid out by Joseph Wilder Esq<sup>r</sup> Survey<sup>r</sup> by Virtue of a Grant made by this Court in January last to M<sup>r</sup> Thomas Plaistead lying between Lancaster Additional Grant and Wachusett hill, bounded partly on said Grant and partly on Province Lands and partly on the Farms hereafter mentioned; Beginning at the Easterly Corner of the Farm Called Brightmans Farm, from thence Runing East 10 Deg. North twenty Rods to the Brook, which is Lancaster line; then Northerly up the Brook, One hundred and Forty Rods, to the place where Lancaster line Meets said Brook, from thence Runing North 19 Deg: West on Lancaster line One hundred & Sixty Rods, to their West Corner, being a heap of Stones thence Runing North 33 Deg. East on said Lancaster line two hundred & Seventy Rods to a heap of Stones; thence North 56 Deg. West three hundred & fifty Six Rods to a pine tree mark'd; thence West 9 deg. North Sixty Eight Rods to a pine tree marked, thence South 49 deg. West One hundred & twenty Rods to the South Corner of the Farm laid out to the heirs of the Rev<sup>d</sup>

Legislative  
Records of the  
Council, xvi.,  
355.

House Jour-  
nal, p. 46.  
Province  
Laws, xi., 658,  
chap. 20.  
*Ante*, p. 201,  
chap. 176.

Legislative  
Records of the  
Council, xvi.,  
356.

House Jour-  
nal, p. 74.  
*Ante*, p. 221,  
chap. 220.

<sup>1</sup> At the hearing December 2, 1736, House Journal, p. 22, this petition was dismissed.

Mr Joseph Willard thence West 7 deg. North fifty two Rods to a Hemlock tree Mark'd : thence South 3 deg. East to the East Corner of the Farm laid out to Cap<sup>t</sup> Joseph Stevens, and with it two hundred and Seventy Rods to the Farm laid out to Mr Mahew and with the said Farm 55 deg. East three hundred & twenty Rods to the East Corner thereof then South 35 Deg. West with said Farm & with a Farm laid out to Watertown three hundred & Ninety Six Rods to a heap of Stones and from thence to the bounds first mentioned: In which plat is an allowance of one Acre in fifty for Swag of Chain And said Land is valued and Adjudged to be worth ten shillings p Acre

Read &

*Ordered* that the plat be Accepted, and the Lands therein Delineated and Described, be and hereby are Confirmed to the said Thomas Plaistead, his heirs and Assignes ; Provided the said Thomas Plaistead makes the Quantity of Thirty tuns at least of Potash, and Send the same to London according to his proposals, mentioned in the Report of a Com<sup>tee</sup> of this Court, Accepted and pass'd in Janry last, and Carrys on the Manufacture to the Open View and observation of every person, desirous of Seeing the Same, and discovers the Mistery thereof to all such as would be Acquainted with it ; provided the plat exceeds not the quantity of fifteen hundred acres of Land and does not Interfere with any former Grant. [*Passed July 1.*]

## CHAPTER 57.

### ORDER GRANTING POWER TO LIDDELL BUCK TO FILE REASONS OF APPEAL.

Legislative  
Records of the  
Council, xvi.,  
358.

House Jour-  
nal, pp. 88, 89.  
*Ante*, p. 283,  
chap. 51.

A PETITION of Liddel Buck of Dedham [*ante*, p. 283, chap. 51]

Read, together with the Answer of Rebecca Wight and the same being fully considered,

*Ordered* that the prayer of the petition be Granted and that the pet<sup>r</sup> be Allowed & Impowred to file his Reasons of Appeal from the Judgment within Mentioned, in the Clerks office of the Superiour Court of Judicature Court of Assize and General Goal Delivery, to be held in Boston, the Second Tuesday in August next, fourteen days at least before the Sitting of the said Court; and the Justices of the said Court are Impowred and directed to hear and Determine the Same and to Enter up Judgment Accordingly; the Costs already Arisen to Remain as they are ; provided the pet<sup>r</sup> Serve the Adverse party with a Copy of the Reasons of Appeal and this Order fourteen days at least before the Sitting of the said Court; And the process within mentioned is hereby Ordered to be Stay'd in the Meantime. [*Passed July 2.*]

## CHAPTER 58.

### ORDER FOR A TOWN MEETING OF THE PROPRIETORS OF THE NEW TOWN BACK OF NORTH YARMOUTH.

Legislative  
Records of the  
Council, xvi.,  
358.

*Ordered* that Mr John Hammond, One of the Grantees in the New Township<sup>1</sup> lately made to Jonathan Bowers<sup>2</sup> & others lying on the back of North Yarmouth in the County of York, be and hereby is Authorized

<sup>1</sup> This township became Gray, Maine.

<sup>2</sup> *Sic*, in both copies of Court Records, but the name should be "Powers," it seems. See *ante*, p. 276, chap. 34.



and Impoured, as soon as may be, to Assemble and Convene in some Suitable place, the said Grantees, that they may make Choice of a proprietors Clerk and pass Such Votes & Orders as may be Agreeable for bringing forward the Settlement of the Township, According to the Conditions of the Grant, & also to Agree how to Call Proprietors Meetings for the future. [*Passed July 2.*]

House Journal, p. 83.  
*Ante*, p. 276,  
chap. 34.

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## CHAPTER 59.

### ORDER FOR A MEETING OF THE GRANTEES OF THE TOWN GRANTED TO CPT. GARDNERS SOLD<sup>RS</sup>.

*Ordered* that the Grantees in the Township<sup>1</sup> Granted to Samuel Newell & others Soldiers & Officers in the Company under the Command of Cap<sup>t</sup> Andrew Gardner, in the Canada Expedition, be and hereby are Impowred & directed, When they assemble to Give Bond &c According to Order, to meet as proprietors and Chuse a Moderator, Proprietors Clerk, & Com<sup>tee</sup> to lay out their Home lots, or first Divisions, & to do & pass Votes that may be necessary for the Fulfillment of their Grant and Agree Upon Methods how to Call Proprietors meetings for the future. [*Passed July 2.*]

Legislative Records of the Council, xvi., 358.

House Journal, p. 83.  
*Ante*, p. 273,  
chap. 31.

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## CHAPTER 60.

### ORDER APPOINTING A COMMITTEE TO RECEIVE OF THE LATE TREASURER ALLEN THE BILLS OF CREDIT WITH THE BOOKS AND PAPERS IN HIS HANDS.

In the House of Represent<sup>a</sup>

*Ordered* that Elisha Cooke William Brattle and Ezekiel Cheevers Esq<sup>rs</sup> and M<sup>r</sup> Thomas Cushing jun<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> to Receive of the late M<sup>r</sup> Treasurer Allen the Ballance of the province Accompt in Bills of Credit in his hands, with all the Books and all papers and other things belonging to the Province, Under his present Care, and to give him a Receipt therefor; And that the said Com<sup>tee</sup> deliver the Ballance, Books and papers to M<sup>r</sup> Treasurer Foye, taking his Receipt for the same In Council Read & Concurr'd and William Dudley Jacob Wendell Anthony Stoddard and Samuel Welles Esq<sup>rs</sup> are Joined in the Affair. [*Passed July 5.*]

Legislative Records of the Council, xvi., 361.

House Journal, p. 94.

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## CHAPTER 61.

### ORDER FOR A MEETING OF GRANTEES OF YE NARRAGANSET TOWN N<sup>o</sup> 7.

*Ordered* that Shubal Goreham Esq<sup>t</sup> be and hereby is fully Authorized and Impowred to Assemble and Convene in Some Suitable place and as soon as may be the Grantees of the Narragansett Town Number Seven, Adjoyning to Falmouth, & Pesumpsutt River, in the County of York, Made to the Narragansett Officers and Soldiers in the Company Under the Command of the late Cap<sup>t</sup> John Goreham deced, and in Answer to the petition of the said Shubal Goreham Esq<sup>t</sup> That the said Grantees in such time and place make Choice of a proprietors Clerk and pass such Rules and Orders as may be Agreeable to the Conditions of the Grant

Legislative Records of the Council, xvi., 361.

House Journal, p. 34.  
Province Laws, xi., 770,  
chap. 153.

<sup>1</sup> This township became Warwick.

for bringing forward the Settlement of the Township<sup>1</sup> and also to Agree on some Regular Method how to Call proprietors Meetings for the future. [*Passed July 5.*]

## CHAPTER 62.

ORDER GRANTING £100 FOR A PRESENT TO THE PENOBSCOT INDIANS.

Legislative  
Records of the  
Council, xvi.,  
364.

Legislative  
Records of the  
Council, xvi.,  
344, 348, 349 *bis*,  
359, 363. House  
Journal, p. 95.

In the House of Represent<sup>a</sup>

*Ordered* that the Sum of One hundred pounds be Granted and paid out of the publick Treasury to M<sup>r</sup> Timothy Prout and M<sup>r</sup> Oxenbridge Thatcher. with such as shall be Appointed by the Hon<sup>ble</sup> Board by them to be Disposed of in purchasing such things as may be proper for a present to be made the Penobscot Indians now at Boston in the name of this Government

In Council Read & Concurr'd & John Jeffries Esq<sup>r</sup> is Joined in the affair. [*Passed July 6.*]

## CHAPTER 63.

ORDER IMPOWERING SAM<sup>l</sup> BURNEL TO BRING AN ACTION DE NOVO WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
357, 364.

House Jour.  
nal, pp. 87, 97.

A PETITION of Samuel Burnell of Boston, Praying That he may be Admitted to a Trial at the next Inferiour Court to be held at Boston for the County of Suffolk, of an Action lately Commenced Against him by Joseph Lewis of Boston, when Judgment went Against him by Default; which Accidently happened by the Miscarriage of a Letter from his Attorney, Advising of the Actions coming on

Read together with the Answer of Joseph Lewis and the matter being fully considered

*Ordered* that the prayer of the petition be so far Granted, as that the Execution against the pet<sup>r</sup> last Issued be and hereby is Superceeded, and no other Execution Issue on the Judgment within mentioned but for Costs, and that the Respondent have Liberty at an Inferiour Court of Common pleas, to be holden within and for the County of Suffolk, to bring his Action de novo Against the pet<sup>r</sup> (to which the Judgment aforesaid shall be no Bar) And the Justices of the said Court are hereby Impowred and directed to hear and Determine the Same Accordingly. [*Passed July 6.*]

## CHAPTER 64.

ORDER ALLOWING £200 FOR A PRESENT TO THE PENOBSCOT INDIANS.

Legislative  
Records of the  
Council, xvi.,  
364.

Mass.  
Archives,  
xxxi., 198.  
House Jour.  
nal, p. 97.  
*Supra*, chap.  
62.

IN THE HOUSE OF REPRESENT<sup>a</sup> On a Motion Made and Seconded by Divers Members

*Ordered* that the sum of Two hundred pounds, inclusive of the One hundred pounds voted Yesterday be Granted and paid out of the publick Treasury to M<sup>r</sup> Timothy Prout and M<sup>r</sup> Oxenbridge Thatcher with such as the Hon<sup>ble</sup> Board shall Join by them, to be Disposed of in purchasing such things as may be proper for a present to be made the Penob-

<sup>1</sup> This township became Gorham, Maine.

scot Indians now at Boston in the name of this Government In  
Council Read & Concurr'd and John Jeffries Esq<sup>r</sup> is Joined in the affair.<sup>1</sup>  
[*Passed July 6.*]

CHAPTER 65.

ORDER SUBSTITUTING SETH WILLIAMS ESQ<sup>r</sup> FOR EDWARD GODDARD  
ON THE COMMITTEE FOR LAYING OUT CAP<sup>t</sup> GALLOPS TOWN.

*Ordered* That Seth Williams Esq<sup>r</sup> be One of the Com<sup>tee</sup> for laying  
out the Township, Granted by this Court to Cap<sup>t</sup> Samuel Gallop &  
others, that were in the Expedition to Canada in 1690, in the Room  
of Edward Goddard Esq<sup>r</sup> who Excused himself the last Session of  
this Court. [*Passed July 6.*]

Legislative  
Records of the  
Council, xvi.,  
365.

House Jour-  
nal, p. 100.  
*Ante*, p. 142,  
chap. 39.

CHAPTER 66.

ORDER CONFIRMING A PLAT OF THE TOWNSHIP GRANTED TO CPT.  
SYLVESTERS C<sup>o</sup>.

A PLAT of the Contents of Six Miles Square, with the Allowance of  
One Rod in thirty for Swag of Chain & Uneven lands as also for one  
hundred Acres of Land, Granted to Col<sup>o</sup> Josiah Willard & five hundred  
Acres for ponds, Surveyed and laid out by Josiah Willard Survey<sup>r</sup> and  
Chain men on Oath, to Satisfy a Grant of this Court made to the Officers  
and Soldiers in the Company, late Under the Command of Cap<sup>t</sup> Joseph  
Sylvester de<sup>cd</sup>, and lying Easterly of the Township of Arlington so  
Called, & bounded as follows viz<sup>t</sup> Begining at a pillar of Stones erected  
for the South Easterly Corner of said Arlington; thence Runing East,  
Six Miles to a hemlock tree Marked with **IS** from thence Runing North  
Six Miles & fifty Six perch to a Maple tree Marked **IS**; thence West  
44 deg. North Seven hundred & thirteen perch to a heap of Stones on  
the lower Ashuelet line from thence S<sup>o</sup> 43 Deg. West on the Ashuelet  
line One thousand One hundred & Ninety three perch to a pillar of Stones;  
then West 18 deg. North Six hundred forty perch to a pillar of Stones;  
and then Running South on Arlington line, five Miles & One hundred  
and fifty Rods, to the pillar of Stones first mentioned; which plat  
Accompanied the Report of the Com<sup>tee</sup> Appointed to lay out the said  
Township

Legislative  
Records of the  
Council, xvi.,  
365. Maps and  
Plans, x., 20.

Maps and  
Plans, x., 20.  
*Ante*, p. 145,  
chap. 45; p. 220,  
chap. 218.

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated  
and described be & hereby are confirmed to the Officers & soldiers in  
the Canada Expedition Anno 1690 in the Company late under the Com-  
mand of Cap<sup>t</sup> Joseph sylvester deceased and to their heirs and assigns  
and to the Heirs legal Representatives and descendants of such of them  
as are since deceased and to their heirs and Assigns respectively for Ever

		1 "For Presents made the Eastern Indians out of the Stock for a Trade with } Dr	
1736	ye Indians		
July	To Cash p <sup>d</sup> George Monk for 9 Shirts thread &c		[£]26. 19. 6
	p <sup>d</sup> for 100 Shott & 25 powder		13 - -
	p <sup>d</sup> for 9 hatts Lac'd		31. 19. 5
	p <sup>d</sup> for 9 Scarlet Blanketts		64. 16 -
	p <sup>d</sup> for Lace for Ditto		18. 16 -
	p <sup>d</sup> for 7 small Armes		35 - -
	p <sup>d</sup> for 3 Ostridge Feathers		7. 10 -
	p <sup>d</sup> for 20 Tobacco & 1 gro pipes		1. 19. 1
		£200. - - "	

they complying with the Conditions of the GRANT, provided the plat exceeds not the quantity of Six Miles square of Land exclusive of the Grant of One hundred acres to Col<sup>o</sup> Willard, & the allowance for swagg of Chain and ponds as within mentioned, and does not interfere with any other former Grant. [*Passed July 6.*]

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## CHAPTER 67.

### VOTE FOR CONTINUING PETITIONS &c.

Legislative  
Records of the  
Council, xvi.,  
366.

House Jour-  
nal, p. 99.

*Voted* that all petitions and other Matters and things now before the Court and not already pass'd on be Referr'd to the next Sitting for consideration. [*Passed July 6.*<sup>1</sup>]

<sup>1</sup> Continued by sundry prorogations to the twenty-fourth day of November, A.D. 1736.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FOURTH DAY OF NOVEMBER, A.D.  
1736.

### CHAPTER 68.

ORDER ON HULDAH DURINGERS PETITION TO BE ADMITTED A GRANTEE  
IN THE TOWNSHIP GRANTED TO THE HEIRS OF CAP<sup>t</sup> ANDREW GARD-  
NER'S COMPANY.

A PETITION of Huldah Durringer of Roxbury, Shewing, That her late  
Father Cap<sup>t</sup> Lamb was Master of a Transport in the Expedition to Can-  
ada in the Year 1690 ; praying that She may be Admitted as a Grantee  
in the Township lately Granted to the heirs of Cap<sup>t</sup> Andrew Gardner &  
Company (their Number not being full) Upon her performing the Con-  
ditions enjoined by this Court to the Grantees.

Legislative  
Records of the  
Council, xvi.,  
371.

House Jour-  
nal, p. 6.  
*Ante*, p. 273,  
chap. 31.

Read &

*Ordered* that the prayer of the petition be Granted, And the Com<sup>tee</sup>  
Appointed to Admit Grantees into the New Township within Mentioned  
be and hereby are Impowred and Directed to Admit the pet<sup>r</sup> into the  
Grant on the Terms and Conditions the other Grantees were Ordered  
to be Admitted. [*Passed November 27.*]

### CHAPTER 69.

ORDER WITH NOTICE REFERRING THE PETITION OF ROB<sup>t</sup> POND &  
OTHERS OF WRENTHAM TO BE ERECTED INTO A TOWNSHIP.

THE PETITION of Robert Pond Baruck Pond & others of Wrentham  
[*ante*, p. 268, chap. 19]

Read, together with the pet<sup>n</sup> of Eleazer Thayer John Fairbanks &  
others ; Which being Considered,

Legislative  
Records of the  
Council, xvi.,  
373.

House Jour-  
nal, pp. 7, 8.  
*Ante*, p. 268,  
chap. 19.

*Ordered* that the petition be Referr'd to the Fifteenth of December  
next, and that in the Meantime the Selectmen of Wrentham Notify as  
soon as may be the Inhabitants of said Town, qualified by Law to Meet  
at some Convenient time & place in order to their further considering  
and giving Answer to this petition that so the Mind of said Town may  
be fully known to this Court. [*Passed November 29.*]



## CHAPTER 70.

## ORDER ACCEPTING THE COMMITTEES REPORT ABOUT THE LINE OF TOWNS BETWEEN THE MERRIMACK AND CONNECTICUT RIVERS.

Legislative  
Records of the  
Council, xvi.,  
373.

Maps and  
Plans, Mis.,  
lit., 2. House  
Journal, p. 11.  
*Ante*, p. 232,  
chap. 240.

THE COM<sup>TEE</sup> of this Court for the line of Towns &c make further Report of their proceedings thereabout, as follows viz<sup>t</sup> Having been Informed that the North bounds of the Equivalent lands on the West Side of Connecticutt River did not Run West, as we platted it, but was 22°, 30' North; which obliged us to Run the two townships on that side of the River Accordingly; Which is Altered in the General plat; And having Sent some of the Com<sup>tee</sup> to View & Run the lines of the Ashuelet Township, that we might be Certain of not Interfering with them, and also the North bounds of Arlington, so Called, On the East side of Connecticutt River; we found that One of our Towns on that side did Actually Interfere with One of the Ashuelets; As we Were therefore Obligated to reform all the four Townships on the East side of the said River, and have Reformed them in the said Grand plat Accordingly Which We now humbly present for Acceptance. The Com<sup>tee</sup> further Report that having Notified the many pet<sup>rs</sup> for Townships to Meet at Concord in September last; when and where we admitted Sixty persons or Grantees into the Townships following N<sup>o</sup> 1. 2. 3. 5<sup>1</sup> on the East Side of Connecticutt River and N<sup>o</sup> 1 & 2 on the West Side in the Line of Towns N<sup>o</sup> 1. 2. 5 & 6 & have taken Bonds According to Order, of each Grantee, for the fulfillment of their Respective Grants: We have further Notified the Rest of the pet<sup>rs</sup> & others to meet us at Woburn the Seventh of December next, in Order to Admit into & fill up the other Towns viz<sup>t</sup> N<sup>o</sup> 3. 4. 7. 8 & 9.

which is humbly Submitted by order of the Com<sup>tee</sup>

W<sup>m</sup> DUDLEY

Read &

*Ordered* that this Report be Accepted. [*Passed November 30.*]

## CHAPTER 71.

## ORDER IMPOWERING THE TOWN OF ACTON TO LEVY AND COLLECT A TAX OF THREE PENCE PER ACRE ON LAND.

Legislative  
Records of the  
Council, xvi.,  
374.

House Jour-  
nal, pp. 11, 12.  
*Ante*, p. 263,  
chap. 7.

THE PETITION of the Town of Acton [*ante*, p. 263, chap. 7]

Read, And it Appearing that publick Notice has been Given to the Resident and Nonresident proprietors of the Unimproved Lands in the Town of Acton, According to the former Order of this Court; And no Answer being Given,

*Ordered* that the prayer of the petition be Granted, And that the Unimproved Lands belonging to the Resident and Nonresident proprietors of the Town of Acton (According to the Number of Acres each lot was laid out for) be and hereby are Subjected to a Tax of three pence ~~p~~ Acre ~~p~~ Annum for the Space of three Years next coming; to be Applied for Building a meeting house, and Settling a Minister in said Town; And the Assessors of said Town for the time being are hereby Authorized and Impoured to make the said Assessments, and the Constables or Collectors there are also directed and Required to Collect the said

<sup>1</sup> *Quære*, a mistake, it seems, for "4." See the House Journal, p. 11.

Tax of the said proprietors, and pay in the Same According to the Lists and Warrants that shall be Committed to them for the uses aforesaid.  
[*Passed November 30.*]

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## CHAPTER 72.

### ORDER IMPOWERING JOHN CHANDLER ESQ<sup>r</sup> TO SURVEY AND LAY OUT 1,000 ACRES OF LAND.

A PETITION of John Chandler of Woodstock Esq<sup>r</sup> Assignee of Josiah Cotton Esq<sup>r</sup> praying for an Equivalent of Five hundred Acres of land (Granted by the General Court in the Year 1685 to M<sup>r</sup> John Cotton) with the Charge he has been at in prosecuting his Title therein in the Government of Connecticut, he having finally lost his Cause in the Courts there

Read & in Answer to this petition,

*Ordered* that the pet<sup>r</sup> John Chandler Esq<sup>r</sup> have leave by a Survey<sup>r</sup> & Chain men on Oath to Survey and lay out One thousand Acres of the Unappropriated Lands of the province, Adjoyning to Some Township, and Return a plat thereof to this Court within twelve Months for Confirmation, to him his heirs and Assignes as an Equivalent for the within mentioned Grant of five hundred Acres of land, and to Reimburse the Charges at Law as within mentioned. [*Passed November 30.*]

Legislative  
Records of the  
Council, xvi.,  
374.

House Jour-  
nal, pp. 7, 10.  
Province  
Laws, x., 52,  
chap. 114.  
*Post*, p. 373,  
chap. 45.

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## CHAPTER 73.

### ORDER ACCEPTING A PLAT OF LINE OF TOWNS BETWEEN THE MER- RIMAC AND CONNECTICUT RIVERS.

A PLAT of the Townships laid out by the Com<sup>tee</sup> for the Line of Towns &c by them corrected as Mentioned in their Report entred this day

Read &

*Ordered* that the plat be Accepted. [*Passed November 30.*]

Legislative  
Records of the  
Council, xvi.,  
374.

House Jour-  
nal, p. 11.  
*Ante*, p. 292,  
chap. 70.

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## CHAPTER 74.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF JON<sup>a</sup> ELLIS AND OTHERS OF DEDHAM TO BE ERECTED INTO A PRECINCT.

THE PETITION of Jonathan Ellis & others of Dedham, [*ante*, p. 279, chap. 44] As likewise a petition of Byfield Lyde Esq<sup>r</sup> praying that his Farm may be Added to the place Called the Clapboard Trees in dedham aforesaid. In Council Read, together with the Answers of the North & South precincts in Dedham, And

*Ordered* that the prayer of the petition be so far Granted, as that Joseph Wilder Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>a</sup> shall Join be a Com<sup>tee</sup> to Repair to the place petitioned for to be a precinct, and View the Same and Consider the Circumstances thereof, and hear the partys for and Against the petition and Report as soon as may be what may be proper for this Court to do thereon: The Com<sup>tee</sup> to give

Legislative  
Records of the  
Council, xvi.,  
375.

House Jour-  
nal, p. 12.  
*Ante*, p. 279,  
chap. 44.

Seasonable Notice of the time of their going, and the Charge thereof to be born as this Court shall Order.

In the House of Represent<sup>d</sup> Read & Concurr'd and James Warren and Eleazar Porter Esq<sup>rs</sup> are Joined in the affair. [*Passed November 30.*]

## CHAPTER 75.

### ORDER CONFIRMING A PLAT OF THE TOWNSH<sup>P</sup> LAID OUT TO CAP<sup>T</sup> GALLOPS COMP<sup>A</sup>.

Legislative  
Records of the  
Council, xvi.,  
376. Maps and  
Plans, Mis.,  
x., 18.

Maps and  
Plans, Mis.,  
x., 18 *bis*.  
House Jour-  
nal, pp. 13, 14.  
*Ante*, p. 142,  
chap. 39.  
*Infra*, chap. 76.

A PLAT of a Township laid out by Nath<sup>l</sup> Kellogg Survey<sup>r</sup> and Chain men on oath, to the Officers and Soldiers in the Canada Expedition under Cap<sup>t</sup> Samuel Gallops Command, Granted by this Court in 1735, bounded East & West on Unappropriated Lands South partly on Unappropriated Lands and partly on the Townships Granted to the Soldiers in the Fall light Northerly on the Equivalent lands and on Unappropriated Lands beginning at a Stake and Stones in North field West bounds, on the West side of Connecticut River, being also the North east Corner of the Falls light Town; Runing North 9° 00 West One thousand three hundred & Ninety perch to a White pine tree Marked; thence West 22° 30. North thirteen hundred & Sixty perch to a stake & Stones (which is the South bounds of the Equivalent lands) and Several trees marked; thence West Seven hundred and Seventy five perch to two hemlock trees Mark'd & a heap of Stones, between them being about twelve perch East of a large Brook Runing Southerly then South Eighteen hundred & Seventy five perch thence East two Thousand three hundred & ten perch to where it began

Read &

*Ordered* That the plat be Accepted and the Lands herein delineated and described be & hereby are Confirmed to the Officers and soldiers of the Company late under the Command of Cap<sup>n</sup> samuel Gallop dec<sup>d</sup> in the Canada Expedition Anno 1690, their heirs and Assigns; and to the Heirs legal Representatives and Descendants of such of them as are since deceased and to their heirs and Assigns respectively for Ever, they Complying with the Conditions of the Grant; provided the plat exceeds not the quantity of six Miles square with the Allowance for swagg of Chain within mentioned and does not interfere with any former Grant. [*Passed December 1.*]

## CHAPTER 76.

### VOTE FOR A MEETING OF THE PROPRIET<sup>RS</sup> OF A TOWNSHIP GRANTED CAP<sup>T</sup> GALLOPS COMPANY.

Legislative  
Records of the  
Council, xvi.,  
376.

House Jour-  
nal, p. 14.  
*Ante*, p. 289,  
chap. 65.  
*Supra*, chap.  
75.

*Voted* That when & as soon as the Com<sup>tee</sup>, Already Appointed by this Court, have Admitted and taken Bond of Sixty persons M<sup>r</sup> Daniel Carpenter be and hereby is fully Authorized & Impowred to Assemble and Convene the proprietors or Grantees of the Canada Township<sup>1</sup> on the petition of Cap<sup>t</sup> Samuel Gallop and Company, in Some Suitable place & Convenient time to Chuse a propriet<sup>rs</sup> Clerk, and pass Such Votes and orders, as they may think Necessary for the Regular Carrying on the Settlement of the Township, Agreeable to the Conditions of the Grant and to agree how Meetings shall be Called for the future. [*Passed December 1.*]

<sup>1</sup> The town was called Guilford, Vermont.

## CHAPTER 77.

## ORDER IMPOWERING THE TOWN OF UXBRIDGE TO SURVEY AND LAY OUT 500 ACRES OF LAND.

A PETITION of Robert Taft and others a Com<sup>tee</sup> for the Town of Uxbridge praying that the Grant of five hundred Acres of Land made by this Court to the said Town may be taken up Else where than in the County of Worcester and Some longer time Allowed them for Returning the plat of the said Land

Read &

*Ordered* that the pet<sup>rs</sup> be Allowed and Impowred by a Survey<sup>r</sup> and Chain men on Oath to Survey and lay out the Grant within mentioned in any of the Unappropriated Lands of the province Adjoining to some Township, and that they Return a plat thereof to this Court Sometime in the next may Session for Confirmation to the Town of Uxbridge & their Assignes. [*Passed December 1.*]

Legislative  
Records of the  
Council, xvi.,  
377.

House Jour-  
nal, p. 13.  
*Ante*, p. 248,  
chap. 277;  
p. 268, chap. 18.

## CHAPTER 78.

ORDER IMPOWERING THE INHAB<sup>TS</sup> OF LAMBSTOWN TO CALL A TOWN MEETING OF THE PROPRIETORS.

A PETITION of the Inhabitants of the Town<sup>1</sup> Granted to Col<sup>o</sup> Joshua Lamb and Company, Shewing that they are Arrived to the Number of Sixty familys, and praying that, for the better Ordering of their Affairs, they may be Incorporated into and Enjoy the priviledges of a Town

Read &

*Ordered* that the prayer of the petition be so far Granted, as that M<sup>r</sup> Benjamin Smith One of the pet<sup>rs</sup> within named be and hereby is fully Authorized and Impowred to Notify the Inhabitants and Residents on the Tract of Land within named Qualified by Law to Vote in Town Affairs, to Convene as soon as may be in Some publick place, thereto Chuse Town Officers and to Agree Upon Methods for the Support of the Ministry, and Defreying other Town Charges; the Officers to stand untill the twenty fifth day of March 1738; provided Nevertheless it is hereby Declared that Nothing herein Contained shall extend or be Construed to Extend to the Confirmation of the Original Grant of the said Tract of Lands but that the same Remain as heretofore Untill this Court be fully Satisfied that the Grantees have fulfilled the Conditions of their Grant. [*Passed December 1.*]

Legislative  
Records of the  
Council, xvi.,  
377.

House Jour-  
nal, pp. 9, 17.  
Province  
Laws, xi., 678,  
chap. 68.

## CHAPTER 79.

## ORDER ALLOWING £570 FOR THE PURCHASE OF RAINSFORDS ISLAND, AND FURTHER AUTHORIZING THE SALE OF SPECTACLE ISLAND FOR £130.

*Ordered* that the Sum of Five hundred & Seventy pounds be Granted and paid out of the publick Treasury to the Hon<sup>ble</sup> John Jeffries Esq<sup>r</sup> and the other Selectmen of the Town of Boston, by them to be Dis-

Legislative  
Records of the  
Council, xvi.,  
378.

<sup>1</sup> The town was called Hardwick.



House Journal, pp. 211, 251, January, 1735; pp. 4, 21, 22, Province Laws, x., 31, chap. 65.

posed of for the Consideration purchase of a Certain Island in the Harbour of Boston, Called Rainsfords Island, lying between Long Island and the Main land near the Town of Hull; to be Used and Improved as a Hospital for the Province And that the said Selectmen take Care to have a Good and lawfull Deed of Sale of the said Island, Made to William Foye Esq<sup>r</sup> Treasurer and Receiver General of this province, and his Successor & Successors in the said Office, from the Owners of the said Island, to and for the only proper use benefit and behoofe of the s<sup>d</sup> Province, to be Improved for a Hospital as aforesaid; And the said M<sup>r</sup> Treasurer Foye is hereby fully Authorized and Impowred, in the name and behalf of this province, to pass and Execute in due form of Law a Deed of Sale to Richard Bill of Boston Esq<sup>r</sup> of all the Right, Title, and Estate of the Province to that part of Spectacle Island, with the Buildings and Appurces, where the hospital is at present, on the Receipt of the sum of One hundred and Thirty pounds which the said Richard Bill is willing to pay for the same & that M<sup>r</sup> Treasurer be further directed to reimburse the Treasury the said sum of One hundred and thirty Pounds<sup>1</sup> part of the Sum of Five hundred and Seventy pounds, the Consideration purchase of Rainsford Island aforesaid. [*Passed December 3.*]

## CHAPTER 80.

### ORDER FOR SURVEYING THE TOWNS OF SHEFFIELD AND SUFFIELD EQUIVALENT.

#### In the House of Representatives

Whereas the Information has been Given y<sup>t</sup> the Plats of the Town of Sheffield commonly called lower Housatannuck & the Township lately Granted to the Proprietors of Suffield lying on Housatannuck Rhode beyond Westfield each of them contain a Considerable Quantity of Land over and above their respective Grants in Order therefore that Justice may be done by a Proper Inquiry therein

*Voted* that John Chandler of Worcester Esq<sup>r</sup> be and hereby is fully Authorized and impowred with two Chain Men on Oath with other Necessary Assistance to repair to the two Townships aforementioned taken<sup>2</sup> w<sup>th</sup> him Copys of the Grants together with the Plats w<sup>ch</sup> have been returned to this Court the former of w<sup>ch</sup> not being as yet Accepted that Seasonable Notice be given to the Grantees or Proprietors of the said Townships by the said John Chandler Esq<sup>r</sup> of his going & y<sup>t</sup> he w<sup>th</sup> y<sup>e</sup> said Chainmen take a Careful & Correct Plat & Plats of the said Townships So as to include the full and whole of their Respective Grants and y<sup>t</sup> he Mark out the overplus if any be in Either or both of the Plats already returned and that he also reform the Plats of the Grant lately made to the Heirs of Cap<sup>t</sup> Jn<sup>o</sup> Myles deceased & Rich<sup>d</sup> Cutt Jr Esq<sup>r</sup> that so this Court may have a perfect knowledge of the Premisses for their further Order and Proceedure therein and that y<sup>e</sup> Surveyor make Return of his doings herein to this Court as soon as may be the Charge to be defreyed by the Province.

In Council Read & Concurred & Joseph Wilder Esq<sup>r</sup> is joined in the Affair

#### In the House of Representatives

Read & Concurred. [*Passed December 3.*]

<sup>1</sup> The words "which the said . . . pounds" are inserted from the State Library copy, Legislative Records of the Council, xvi., 378.

<sup>2</sup> *Sic*; but "taking," in the State Library copy, Legislative Records of the Council, xvi., 378.

Legislative Records of the Council, xvi., 378. Mass. Archives, cxiv., 158.

House Journal, pp. 18, 19, 23. *Ante*, p. 29, chap. 56; p. 102, chap. 221; p. 184, chap. 137; p. 294, chap. 75.



## CHAPTER 81.

## ORDER IMPOWERING WM VIRGIN TO BRING FORWARD A WRIT OF REVIEW.

THE PETITION of William Virgin, [*ante*, p. 270, chap. 24]

Read And it Appearing that the Adverse party has been duly Served with a Copy of this petition, and no Answer given in, And the matter being duly considered,

*Ordered* that the prayer of the petition be so far Granted, as that the pet<sup>r</sup> be and hereby is Enabled by a Writ of Review in an Original Summons, the Service of which by Reading the Same to the Attorney of the said Daniel Bemis (who made out the Original Writ) fourteen days at least before the Sitting of the Inferiour Court at worcester aforesaid in Case the said Bemis cannot be found in the said County before, shall be Deemed and held as good a Service as if the same had been made on the said Bemis the principal; And the pet<sup>r</sup> is Accordingly Allowed and Impowred in Such Manner to bring forward a Trial of the Case within mentioned, at the next Inferiour Court of Common pleas to be holden at Worcester for the County of Worcester, And the Justices of the said Court be & hereby are directed to proceed to the Trial of the Case as thó no such Default as is within mentioned had happend and to Enter up Judgment and Award Execution Accordingly. [*Passed December 3.*]

Legislative  
Records of the  
Council, xvi.,  
379.

House Jour-  
nal, p. 20.  
*Ante*, p. 270,  
chap. 24.

## CHAPTER 82.

ORDER IMPOWERING SAM<sup>L</sup> THAXTER ESQ<sup>E</sup> & OTHERS TO SURVEY AND LAY OUT 800 ACRES OF LAND.

A PETITION of Samuel Thaxter John Turner and William Dudley Esq<sup>rs</sup> Setting forth that thró mistake Eight hundred Acres of the twelve hundred Acres of land Granted by this Court to the pet<sup>rs</sup> happens to be laid out so as to Interfere with some Prior Grants of the Court And therefore praying that they may have Liberty to lay it out a new in three Equal Shares

Read &

*Ordered* that the prayer of the petition be Granted, and the pet<sup>rs</sup> are hereby Allowed and Impowred to lay out the said Eight hundred Acres of land in full Satisfaction of the said Twelve hundred Acres of Lands, in three Equal parts or shares Accordingly and that the Sanction to any Right or title to the Eight hundred Acres before laid out & Confirmed the 19<sup>th</sup> of Decem<sup>r</sup> 1735 is hereby Superceeded and Declared Null and Void and that they Return the plats thereof to this Court, Adjoining to Some Townships or former Grant within twelve months for Confirmation. [*Passed December 3.*]

Legislative  
Records of the  
Council, xvi.,  
379.

House Jour-  
nal, p. 18.  
*Ante*, p. 189,  
chap. 149.

## CHAPTER 83.

ORDER IMPOWERING MARG<sup>T</sup> PAYNE EXECUTRIX TO SELL REAL ESTATE TO PAY DEBTS.

Legislative  
Records of the  
Council, xvi.,  
380.

House Jour-  
nal, p. 13.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Margaret Payne Relict Widow and Execut<sup>x</sup> of William Payne late of Boston Esq<sup>r</sup> decd Praying that she may be Impowred to Sell a House belonging to said Estate Situate in Queen Street in Boston for the payment of the Deceaseds debts in the Room of an house near the Neck which she was Impowred to Sell for that purpose but no person Appears to purchase it Altho She has for many months Notified the Sale thereof According to Law

Read &

*Ordered* that the prayer of the petition be so far Granted as that the pet<sup>r</sup> be and hereby is allowed and Empowred to make Sale of the House and land of the deceased Situate in Queen Street Accordingly for the most the same will fetch and pass and Execute in due form of Law a Good Deed or De[e]ds of Sale & Conveyance thereof and in proceeding therein to Observe the Rules & directions of the Act of the province of the Sixth Year of his late Majestys Reign Chap. 3<sup>d</sup> Relating to the Sale of Real Estates & out of the proceeds of the Sale of the premisses to pay & discharge the just Debts of the decd provided She give Caution to the Judge of the Probate of Wills &c for the County of Suffolk that at her decease her Exors or admors shall pay to the Children of the decd One third part of the produce of the Sale of the premisses which She is to hold for life as Dower & shall also at the time of Executing the Deed or deeds of Sale of the land & premisses pay to the Testators Children in manner Agreeable to his Will what shall be left of the proceeds of the Sale after the payment of his just debts & the pet<sup>r</sup>s thirds in Dower as aforesaid is deducted therefrom. [*Passed December 3.*]

## CHAPTER 84.

## VOTE FOR A PUBLIC FAST.

Legislative  
Records of the  
Council, xvi.,  
381.

Legislative  
Records of the  
Council, xvi.,  
383. House  
Journal, pp. 26,  
35. Love's  
Fast and  
Thanksgiving  
Days of New  
England,  
p. 492.

THE BOARD taking into consideration the many and pressing Difficultys the publick Affairs of the Province now labour under, and are likely to increase upon us, Unless the Government be Speedily led into Some happy Methods for the Speedy Remedy thereof;

*Voted* That his Excellency be desired to Appoint as soon as may be a day of Fasting and prayer to be Solemnized by this Court as well in the name and behalf of themselves as in behalf of their people, in order to Implore the forgiveness of our Sin, and Unworthiness & the assistance and blessing of heaven Upon all the Administrations of the Government; And in particular that in this present Unhappy Juncture of our Affairs, God would please to give Such direction to the General Court that they may be the happy Instruments Under God of delivering this people in Some Good Measure from their Great Distress & danger and that the Rev<sup>d</sup> Ministers of the Town of Boston be Desired to Assist in the Solemnity.<sup>1</sup> [*Passed \* December 4.*]

<sup>1</sup> The Governor appointed December 10<sup>th</sup>, 1736.

## CHAPTER 85.

## ORDER IMPOWERING ANN MARSH ADMINISTRATRIX TO SELL LAND.

A PETITION of Ann Marsh Widow and Adm<sup>x</sup> of M<sup>r</sup> Joseph Marsh late of Brantry deced, praying leave to make Sale of One half of five hundred Acres of Wild and Unimproved Lands, lying between Lancaster and Oxford, which the said Marsh held in Common with M<sup>r</sup> Nathan Buckman the other Propriet<sup>r</sup>

Legislative  
Records of the  
Council, xvi.,  
381.

House Jour-  
nal, p. 24.  
Province  
Laws, ii., 151,  
chap. 10.

Read &

*Ordered* that the prayer of the petition be Granted, and the pet<sup>r</sup> is Allowed and Impowred to make Sale of One half of Five hundred Acres of land Accordingly, for the Most the same will fetch, and in proceeding herein, to Observe the Rules and directions of the Act of this province of the Sixth Year of his late Majestys Reign Chap 3<sup>d</sup> Relating to the Sale of Real Estates, and to give and Execute in due form of Law a Good Deed or deeds of Sale and Conveyance thereof; provided the pet<sup>r</sup> take Effectual Care to file a Receipt in the Judge of Probates office for the County of Suffolk, Under the hand of her Son Daniel Marsh, for so much of his portion or part of the Deceaseds Real Estate as the proceeds of the Sale of the premisses may Amount to. [*Passed December 4.*]

## CHAPTER 86.

VOTE CONFIRMING A DEED TO JOS. HEATH ESQ<sup>r</sup>.

A PETITION of Joseph Heath Esq<sup>r</sup>, Shewing that he purchased a Tract of Land of Christopher Jacob Laughton, for which he gave the pet<sup>r</sup> a Deed of Sale under his hand and Seal, that the petitioner often Urged the said Laughton to Acknowledge the said Deed, which he promised to do, but neglected it till his Return home into the Country, where he soon fell into Distraction, and is like to Continue in that Debility of Mind; praying that this Court would Confirm the said Deed Notwithstanding the said Defect.

Legislative  
Records of the  
Council, xvi.,  
382.

House Jour-  
nal, p. 27.

Read & in Answer to this petition

*Voted* that the Deed within mentioned be and hereby is Declared to be as good and Valid in the Law to all Intents and purposes, as if the same had been this day Acknowledged by the Grantor the said Christ<sup>o</sup> Jacob Lawton before any of his Majestys Justices of the peace to be his Act and Deed. [*Passed December 6.*]

## CHAPTER 87.

ORDER ADMITTING SUNDRY PERSONS AS GRANTEES OF THE TOWNSHIP GRANTED CAP<sup>t</sup> EPHRAIM HUNTS COMPANY.

A MEMORIAL of the Com<sup>tee</sup> for laying out the Township Granted to the officers and Soldiers in the Expedition Against Canada in the Year 1690 Under the Command of Cap<sup>t</sup> Ephraim Hunt Setting forth that they cannot make up the Number of Sixty of the said officers & Soldiers & their Represent<sup>a</sup> that divers of the Voluntiers & Impress'd men who Served as Mariners have made their Claim but the Com<sup>tee</sup> not hav-

Legislative  
Records of the  
Council, xvi.,  
384.

House Jour-  
nal, pp. 32, 33.  
*Ante*, p. 213,  
chap. 200.

ing power to Allow them Rejected their Claim thô they were Sensible that their Merit was as great as the Soldiers And therefore proposing that the Dificiency of the Soldiers may be made out of the mariners and that the Number of five Years may be allowed to these Grantees for fulfilling the Conditions of their Grant as has been to others

Read & in Answer thereto

*Ordered* that the proposal herein be Allowed and Granted And the Com<sup>tee</sup> are Accordingly Impowred to fill up the Number of Grantees by the said Seamen or mariners their heirs Legal Represent<sup>s</sup> & descendants Respectively And the Term for Settlement is accordingly Enlarged to be Accounted from the Confirmation of the Grant. [*Passed December 8.*]

## CHAPTER 88.

ORDER IMPOWERING JOHN ALLEN ESQ<sup>r</sup> TO BRING FORWARD A WRIT OF REVIEW, WITH NOTICE.

Legislative  
Records of the  
Council, xvi.,  
384.

House Jour-  
nal, pp. 19, 27.  
Province  
Laws, xi., 690,  
chap. 97.

A PETITION of John Allen of Chilmark Esq<sup>r</sup> Shewing that he Obtained An Order of this Court for a New Trial of an Action of the Case prosecuted Against him by One Philip Jones in the Year 1732 but thrô Some Circumstantial Defect in the Writ it was abated at the last Superiour Court for the County of Suffolk praying for the favour of a New Trial

Read & in Answer to this petition

*Ordered* that the pet<sup>r</sup> be and hereby is Allowed and Impowred by a writ of Review to have an other Trial of the Action within mentioned at the next Inferiour Court of Common pleas to be holden at Boston in and for the County of Suffolk on the first Tuesday of January next or at the next Term of the Said Court to be held at Boston for the County aforesaid on the first Tuesday of april next The pet<sup>r</sup> to Serve the Adverse party the Said Philip Jones with a Copy of this petition & order fourteen days at the least before the time of the Courts Sitting where the writ of Review of the Action within mentioned is to be heard and the Justices of the said Court are hereby Impowred & directed to hear & try the Case enter up the Judgment and Award Execution thereupon Accordingly Any Clerical Error in the former process or Defect in the former Order of this Court or any proceeding in the said Cause or the time limited for Review Notwithstanding the Costs Already Sustained to Remain as they were. [*Passed December 8.*]

## CHAPTER 89.

ORDER CONFIRMING A PLAT OF 160 ACRES OF LAND TO JOSHUA SWAN.

Legislative  
Records of the  
Council, xvi.,  
384.

House Jour-  
nal, pp. 34, 35.  
*Ante*, p. 244,  
chap. 268.

A PLAT of One hundred & Sixty Acres of Land lying within the Town of Methuen laid out by James Stephens Surveyor & Chain men On Oath to fulfill a Grant Made by this Court to Joshua Swan begining at a Stake and Stones in Haverhill line making the Southerly Corner thence Running North on the said line One hundred & Eighty Six perch to another Stake & Stones thence South 79 deg West ninety Seven perch to a Small white Oak marked thence South 5 Deg West to M<sup>r</sup> Christopher Sergeant thence South 43 deg West Sixty Six perch to a white Oak marked another bounds of said Sergeants Farm thence North 15 Deg. West Seventy Six perch to a white Oak marked being a Corner of Greens Farm thence South One hundred & Sixty four Rods to a Stake & Stones near Said

Greens Farm thence East One hundred & Sixty Rods by Woodings Farm to the bounds first mentioned

Read &

*Ordered* that the plat be Accepted and the Lands therein Delineated & described be & hereby are Confirmed to the said Joshua Swan his heirs and Assignes forever he or they Complying with or performing the Conditions of the Grant provided the plat Exceeds not the quantity of One hundred and Sixty Acres of Land and does not Interfere with any former Grant. [*Passed December 8.*]

## CHAPTER 90.

ORDER OF NOTICE ON THE PETITION OF JAMES CUTLER & OTHERS OF THE N<sup>o</sup> W<sup>t</sup> PART OF CAMBRIDGE PRAYING THAT DIVERS PARTIES MAY BE SEPARATED FROM CHARLESTOWN AND ANNEXED TO CAMBRIDGE.

A PETITION of James Cutler and Others a Committee for the North West precinct in Cambridge Praying that William Dickinson Joseph Russell and Sundry others of the Westerly part of Charlestown with the Lands therein Described be Separated from Charlestown and Annexed to the said precinct as to the Ministry

Legislative  
Records of the  
Council, xvi.,  
385.

House Jour-  
nal, p. 34.

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Town of Charlestown with a Copy of the petition, that they Shew Cause, if any they have, on tuesday the twenty first Instant, why the prayer thereof should not be Granted. [*Passed December 8.*]

## CHAPTER 91.

ORDER IMPOWERING THE HEIRS OF CAP<sup>t</sup> JOHN WAINWRIGHT TO SURVEY AND LAY OUT 500 ACRES OF LAND.

*Ordered* That five hundred Acres of the Unappropriated Lands of the province be and hereby are Given and Granted to the Children and Legal Represent<sup>as</sup> of Cap<sup>t</sup> John Wainwright deced in consideration of the Services and Sufferings of his own as well as by the Death & Losses of his Father Cap<sup>t</sup> John Wainwright deced by the Indian Enemy; The Grant to be Distributed According to the Act for the Settlement & distribution of the Estates of Intestates, and that the pet<sup>r</sup> have leave by a Survey<sup>r</sup> and Chain men on Oath, to lay out and Servey the Same next Adjoyning to Some Township and Accordingly Return a plat thereof to this Court within twelve Months for Confirmation to them their heirs and Assignes Respectively in manner aforesaid. [*Passed December 9.*]

Legislative  
Records of the  
Council, xvi.,  
386.

Legislative  
Records of the  
Council, xvi.,  
284. House  
Journal, p. 204  
(January,  
1735); pp. 25,  
39. Province  
Laws, i., 43,  
chap. 14.

## CHAPTER 92.

ORDER OF NOTICE ON GEO. HUDDLESTONS PETITION FOR RETRIAL OF AN ACTION.

A PETITION of George Huddlestons of Dartmouth in the County of Bristol praying to be Allow<sup>d</sup> A new Trial of An Action of Ejectment brought by Writ of Review, to the Sup<sup>r</sup> Court of Judicature for the

Legislative  
Records of the  
Council, xvi.,  
386.



House Journal, p. 39.

said County, Against the pet<sup>r</sup> by Elizabeth Huddleston of Dartmouth aforesaid Widow ; which failed for want of Evidence which the pet<sup>r</sup> is now furnished with.

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adverse party the s<sup>d</sup> Elizabeth Huddleston with a Copy of the petition that she Shew Cause, if any She have, on Wednesday the twenty Second Currant, why the prayer thereof Should not be Granted. [*Passed December 9.*]

## CHAPTER 93.

ORD<sup>r</sup> ON ELIZ<sup>a</sup> SLAUGHTERS PETITION IN REGARD TO A DEED.

Legislative Records of the Council, xvi., 372, 387.

Legislative Records of the Council, xvi., 357, 385. House Journal, pp. 45, 46. *Ante*, p. 280, chap. 45.

A PETITION of Elizabeth Slaughter Widow & Samuel & Mary Butler, praying for an Order of this Court for Giving a Sanction to a Deed (once duly Executed and Acknowledged by the Admors of Edward Taylor deced) to John Slaughter deced for Certain Houses and Lands in Boston the Seals of said Deed being by Accident Unknown to the pet<sup>rs</sup> torn off

Read together with the Answer of Elijah Vinal And the Same being fully considered

*Ordered* that the Register of Deeds & Conveyances of Lands within and for the County of Suffolk be & hereby is Impowred & directed to Receive the said Deed within Mentioned from Gyles Goddard & William Parkman Adminors on the Estate of Edward Taylor late of Boston deced to John Slaughter within named and that he Record the same at length in the Registry of the Said Office which Deed shall be Deemed as good & Valid in the Law to the said John Slaughter his heirs and Assignes as thô the Seals had not been torn provided the said Elizabeth Slaughter and Samuel Butler and Mary his wife make & Exeente Acknowledge and Cause to be Recorded in the Registry aforesaid (which Said Register is hereby Impowred & directed to Receive & Record accordingly) A Good Deed & Conveyance of so much of the premisses as is Contained in a deed from the said Goddard to Elijah Vinal bearing date the 26 day of December 1722 viz<sup>t</sup> Fronting Northerly on Essex Street so Called there measuring Fifty Nine feet more or less Easterly on Elder Rainsfords lane there Measuring fifty four feet & an half Southerly Upon the Lands of the said Slaughter Sixty two feet more or less Westerly Upon the heirs of James Wort fifty Nine feet. [*Passed December 11.*]

## CHAPTER 94.

ORDER GRANTING TO COL<sup>o</sup> JOS. VARNUM 40 ACRES OF LAND.

Legislative Records of the Council, xvi., 388.

House Journal, p. 28.

A PETITION of Col<sup>o</sup> Joseph Varnum, praying for the Grant of a peice of province Land near the Town of Dracontt, Containing forty Aeres, (in Consideration of the pet<sup>rs</sup> Services & Sufferings in the Wars Against the Indians) as the said Lands are Surveyed by James Ingolls, & a plat thereof Exhibited herewith, viz<sup>t</sup> lying about three quarters of a Mile Northerly from Merrimack River, Adjoining to the East line of Dracontt and the said Varnums land, two hundred & two perch the West Side being One hundred & twenty Nine perch Adjoining to m<sup>r</sup> Dennisons

Farm the South Easterly Side being One hundred and twelve perch adjoining to Mr Higginsons Farm

Read &

*Ordered* that the peice of Land within Mentioned be & hereby is granted to the said Joseph Varnum Esq<sup>r</sup> his heirs & assignes forever ; provided it Exceeds not the quantity of forty Aeres and does not Interfere with any former Grant & is Agreeable to the plat within mentioned. [*Passed December 13.*]

## CHAPTER 95.

### ORDER CONFIRMING A PLAT OF 100 ACRES GRANTED TO THO<sup>S</sup> CHANDLER.

A PLAT of One hundred Acres of Land, lying in Methuen, Granted by this Court to Thomas Chandler, laid out by James Stevens Survey<sup>r</sup> and Chain men on Oath begining on the Southerly Corner on Cap<sup>t</sup> Swans land at a Stake & Stones; thence Runing North Sixty four perch to Another Stake & Stones by Mr Higginsons Farm thence West one hundred & twenty four perch Joining on Mr Higginsons Farm to a heap of Stones in the bounds of said Higginsons Farm; thence South 58 Deg: West fifty two poles, to a Red Oak Marked by a Pond Called South pond; thence Easterly & Southerly by said Pond twenty One poles to a Red Oak tree marked, which is a bound of Mr Sergeants Farm, thence South 62 Deg. East One hundred & forty two perch by said Sergents Land to a Stake & Stones, being an other bound thereof thence North 5 Deg. East forty perch to a White Oak marked, another of Cap<sup>t</sup> Swans bounds; thence North Eighty One Deg. East Eighty Seven perch by said Swans Land to the bounds first mentioned

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described be & hereby are Confirmed to the said Thomas Chandler his Heirs & Assigns for Ever he or they performing the Conditions of the Grant provided it exceeds not the quantity of One hundred Acres of Land and does not interfere with any former Grant. [*Passed December 13.*]

## CHAPTER 96.

### ORDER CONFIRMING A PLAT OF 100 ACRES OF LAND GRANTED TO COL<sup>O</sup> JOSIAH WILLARD.

A PLAT of One hundred Acres of Land Granted by this Court to Col<sup>O</sup> Josiah Willard lying East of Arlington on both Sides of Roaring Brook So Called, laid out by Benjamin Prescott Esq<sup>r</sup> Survey<sup>r</sup> and Chain men Upon Oath, begining at a Stake and Stones for the Northerly Corner, thence Runing South 45 Deg. East One hundred & thirty two poles, to a Hemlock tree Marked; thence South 45 Deg West One hundred & twenty poles, to a Hemlock tree; thence North 45 Deg. West One hundred & thirty two Rods to a black birch; thence North 45 Deg. East One hundred and twenty poles to the bounds first mentioned

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described be & hereby are confirmed to the said Col<sup>O</sup> Josiah Willard

Legislative  
Records of the  
Council, xvi.,  
388. Maps and  
Plans, Mis.,  
x., 9.

Maps and  
Plans, Mis.,  
x., 9 *bis*.  
House Jour-  
nal, pp. 38, 39.  
*Ante*, p. 246,  
chap. 274.

Legislative  
Records of the  
Council, xvi.,  
388. Maps and  
Plans, Mis.,  
x., 25.

Maps and  
Plans, Mis.,  
x., 25 *bis*.  
House Jour-  
nal, p. 42.  
*Ante*, p. 220,  
chap. 218.

his heirs & assigns for Ever he or they performing the Conditions of the Grant provided the plat exceeds not the Contents of One hundred Acres. and does not interfere with any former Grant. [*Passed December 13.*]

## CHAPTER 97.

ORDER ALLOWING THE ESSEX C<sup>O</sup> TREAS<sup>RS</sup> ACCO<sup>T</sup>.

Legislative  
Records of the  
Council, xvi.,  
389.

House Jour-  
nal, p. 42.

AN ACCOMPT presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the Year 1735; Having [been] laid before the Court of General Sessions of the peace for said County & by them Allowed

Read &

*Ordered* that this Accompt be Allowed. [*Passed December 14.*]

## CHAPTER 98.

ORDER ALLOWING THE HAMPSHIRE COUNTY TREAS<sup>RS</sup> ACCO<sup>T</sup>.

Legislative  
Records of the  
Council, xvi.,  
390.

House Jour-  
nal, p. 42.

AN ACCOMPT presented by William Pyncheon Esq<sup>r</sup> Treasurer of the County of Hampshire for the Year 1735, Having been laid before the Court of General Sessions of the peace for said County & by them Allowed

Read &

*Ordered* that this Accompt be allowed. [*Passed December 14.*]

## CHAPTER 99.

ORDER ALLOWING £34. 10. 6 TO JN<sup>O</sup> ROBINS.

Legislative  
Records of the  
Council, xvi.,  
390.

House Jour-  
nal, pp. 46, 47.  
Province  
Laws, xi., 773,  
chap. 161.

A PETITION of John Robins of Attleborough in the County of Bristol, Shewing that by the Advice of this Court, he prosecuted John Capron, Israel Whipple, William Whipple, and others for Assaulting & Seizing him in the Execution of his office as Constable of the said Town, and obtained Judgment Against them; of Which £34. 10. 6 Remains Unpaid; And for as much as the said Capron is Since dead, & the said Whipples are Removed out of the province, with their Estates, Therefore praying that he may be Allowed out of the publick Treasury the Sum above mentioned

Read &

*Ordered* that the prayer of the petition be Granted, and that the Sum of Thirty four pounds ten shillings & Six pence be and hereby is Granted & allowed to be paid out of the publick Treasury to the pet<sup>r</sup> Accordingly. [*Passed December 14.*]

## CHAPTER 100.

## ORDER IMPOWERING JOSHUA BIGGALOW AND ALLEN FLAGG TO APPEAL FROM A JUDGMENT.

A PETITION of Joshua Biggalow & Allen Flagg, praying that they may be Allowed to prosecute An appeal, they Claimed from a Sentence of the Court of General Sessions of the peace, held at Cambridge for the County of middlesex in May last (on an Information presented by James Knap) to the next Court of Assize the said Appeal failing thro' the Neglect of their Attorney to file Reasons of Appeal

Legislative  
Records of the  
Council, xvi.,  
382, 391.

House Jour-  
nal, p. 53.

Read, together with the Answer of James Knap and John Overing Esq<sup>r</sup> and the Same being fully considered

*Ordered* That the prayer of the petition be so far Granted, as that the pet<sup>r</sup> be Allowed and Impoured to Appeal from the Judgment within mentioned, to the Superiour Court of Judicature, Court of Assize and General Goal Delivery, to be held at Charlestown for the County of Middlesex on the last Tuesday of January next, and that they file their Reasons of Appeal in the Clerks office fourteen days<sup>1</sup> at least before the Sitting of the same, And the Justices of the said Court are Impoured and directed to hear and determine the same, and to Enter up Judgment Accordingly, The Costs Already Sustained to Remain as they are. [*Passed December 16.*]

## CHAPTER 101.

ORDER FOR A MEET<sup>g</sup> OF GRANTEES OF TOWNSHIP GRANTED TO SAMUEL KING AND OTHERS.

*Ordered* that Daniel Epes Esq<sup>r</sup> be & hereby is Authorized & Impowred to assemble & Convene as soon as may be in Some Convenient place in the Town of Salem the proprietors or Grantees of the Township<sup>2</sup> granted by this Court in June 1735, in Answer to the petition of Samuel King & others, who were in the Canada Expedition Anno 1690, to Chuse A Moderator & proprietors Clerk, & to pass such Votes & Orders &c as may be Agreeable to the bringing forward the Settlement of the Township, According to the Conditions of the Grant, as well as the Interest of the propriety; and to Agree upon a method how to Call future proprietors Meetings, as well as to Admit the Grantees to a Draught of their Home lots. [*Passed December 17.*]

Legislative  
Records of the  
Council, xvi.,  
391.

House Jour-  
nal, p. 53.  
*Ante*, p. 141,  
chap. 37.

## CHAPTER 102.

ORDER OF NOTICE ON ROGER DEERING ESQ<sup>RS</sup> PETITION FOR AN ORDER IN REGARD TO EVIDENCE.

A PETITION of Roger Deering of Scarborô in the County of York Esq<sup>r</sup> Shewing That he brought his Action of Ejectment Against One James Libby for possession of One hundred Acres of Land, of Right belonging to the pet<sup>r</sup>, that the Cause went Against the pet<sup>r</sup>, Upon the

Legislative  
Records of the  
Council, xvi.,  
392.

House Jour-  
nal, pp. 48, 49.

<sup>1</sup> The Secretary's copy reads, "day;" but the State Library copy, Legislative Records of the Council, xvi., 391, reads, "days."

<sup>2</sup> This township became Lyndeborô, New Hampshire.

Appeal at the Sup<sup>r</sup> Court, by Reason that a Written Testimony of Samuel Hill de<sup>cd</sup> was thrown out of the Case, because it was taken out of Court, and before One Justice of the peace only, Therefore praying for An Order of this Court for Allowing the said Evidence notwithstanding the Said Defect

Read &

*Ordered* that the pet<sup>r</sup> Serve the Adverse party the said James Libby with a Copy of the petition, that he Shew Cause if any he have, on Wednesday the fifth day of January next, if the Court be then Sitting, if not on the first Wednesday of the next Sitting of the Court, why the prayer of the petition should not be Granted And the petition is Re-ferr'd in the Meantime for further consideration Accordingly. [*Passed December 17.*]

## CHAPTER 103.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO EDM<sup>d</sup> FREEMAN ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xvi.,  
392. Mass.  
Archives,  
xvi., 71.

Maps and  
Plans, Mis.,  
x., 26. House  
Journal, p. 51.  
*Ante*, p. 136,  
chap. 25.

A PLAT of three hundred Acres of Land Granted to Edmond Freeman Esq<sup>r</sup> laid out by John Silby<sup>1</sup> Survey<sup>r</sup> & Chaimmen on Oath, bordering on the Town of Sutton; bounded as follows, viz<sup>t</sup> West 6 Deg South two hundred and Eighty Eight Rods on Sutton; thence South 4 deg. East Eighty Eight Rods on New Sherburn; thence South 26 deg. East Ninety One Rods, thence East 6 Deg. North two hundred Sixty three Rods on Brewers Farm, thence North 6 deg. West One hundred Seventy five Rods to the bounds first mentioned

Read &

*Ordered* that this plat be accepted, & the Lands therein delineated & described be & hereby are confirmed to Edmund Freeman Esq<sup>r</sup> his Heirs & Assigns, he or they performing the Conditions of the Grant; provided the plat exceeds not the Quantity of three hundred Acres of Land, & does not interfere with any former Grant. [*Passed December 17.*]

## CHAPTER 104.

VOTE FOR PROPRIET<sup>RS</sup> MEETING IN SEVERAL NEW TOWNSHIPS.

Legislative  
Records of the  
Council, xvi.,  
393.

Maps and  
Plans, iii., 2.  
Index to Town  
Names, p. 46.  
House Jour-  
nal, pp. 29, 48.  
*Ante*, p. 292,  
chap. 70.  
*Infra*, chap.  
105.

*Voted* that M<sup>r</sup> Samuel Chamberlain of Westford be & hereby is fully Authorized and Impowered to Assemble & Convene the Grantees or proprietors of the Township Number One; Nathanael Harris Esq<sup>r</sup> in like manner to Assemble the Grantees or Proprietors of the Township Number two; John Flynt of Concord Esq<sup>r</sup> in like manner to Assemble the Grantees or proprietors of the Township Number three; Thomas Welles of Deerfield Esq<sup>r</sup> in the like manner to Assemble the Grantees or Proprietors of the Township Number four; on the East Side, & next Adjoining to Connecticut River; <sup>2</sup> And that Thomas Stevens of Amesbury in like Manner to Assemble the Grantees or Proprietors of the Township Number one; M<sup>r</sup> John Hutchins of Bradford in like manner to Assemble the Grantees or proprietors of the Township Number two; John Jones, of Hopkinton Esq<sup>r</sup> in like manner to assemble the Grantees or proprietors of the Township Number five; and John Whitman of Stow in like manner to Assemble & Convene the Grantees or proprietors of the Township Number Six; lying in the line of Towns between

<sup>1</sup> The surveyor's certificate reads, "John Sibby." — Maps and Plans, Mis., x., 26.

<sup>2</sup> No. 1. Chesterfield. 2. Westmoreland. 3. Walpole. 4. Charlestown. All in New Hampshire.



the Rivers of Connecticutt & Merrimack;<sup>1</sup> All the said Grantees or proprietors aforementioned of the Towns aforesaid to Assemble in such places as they shall be Respectively Notified and Warned to assemble & Convene at, by the persons Respectively thereto Impowred, as aforesaid; The proprietors of each Township so Assembled to Chuse a Moderator & Clerk & Com<sup>tee</sup> to Alot & Divide their Lands, & to dispose of the Same, and to pass Such Votes & Orders as by them may be thought Conducive for the Speedy Fulfillment of their Grants And also to Agree Upon Methods for Calling Meetings for the future, provided none of their Votes concerning the Dividing or disposing of their Lands that shall be pas'd while they are Under the direction of the Com<sup>tee</sup> of this Court shall be of force before they are Allowed of by said Committee. [*Passed December 17.*]

## CHAPTER 105.

### VOTE FOR GRANTEES MEETING OF TOWNS N<sup>o</sup> 1 & 2 ON CON<sup>t</sup> RIVER.

*Voted* That M<sup>r</sup> Joseph Tisdale of Taunton be & hereby is Impowred to Assemble the Grantees of the Township Number One<sup>2</sup> on the West side of Connecticutt River, Adjoining to the Equivalent Lands, so Called, giving timely Notice to the Grantees Admitted into the Township by the Com<sup>tee</sup> of this Court, and to Meet in Taunton, Where they live in Order to Chuse a Moderator & proprietors Clerk & Com<sup>tee</sup> to A lot & divide their Lands, & to dispose of the same, and to pass Such Votes & Orders as by them may be thought conducive for the Speedy fulfillment of the Conditions of their Grant; and also to Agree Upon Methods for Calling of Meetings for the future; provided None of their Votes concerning the dividing or disposing of their Land, that shall be passed While they are under the Care and direction of the Com<sup>tee</sup> of this Court, shall be of force before they are Allowed of by the said Com<sup>tee</sup> And further,

*Voted* that M<sup>r</sup> Palmer Golding of Worcester be & hereby is Impowred to Assemble the Grantees of the Township Number two on the West Side of Connecticutt River, Adjoining to Number One Giving timely Notice to the Grantees Appointed by the Com<sup>tee</sup> of this Court to Meet & Assemble at Some Suitable place for the ends and purposes above mentioned; their Votes for Alotting Dividing & disposing of their Lands to be Allowed of in the way & manner abovesaid. [*Passed December 17.*]

Legislative  
Records of the  
Council, xvi.,  
394.

House Jour-  
nal, pp. 28, 48.  
*Supra*, chap.  
104.

## CHAPTER 106.

### VOTE FOR ADJOURNING ESSEX COUNTY COURTS.

WHEREAS the Court of General Sessions of the peace, & Inferiour Court of Common pleas for the County of Essex are appointed by Law to be held and kept at Salem in and for Said County on the last Tuesday of December Currant, and many of the Justices of the said Court and others concerned are also Members of the General Court now Sitting, and may Continue Sitting till that time

*Voted* that the Justices of the said Courts be and hereby are directed to Adjourn the Same till the first Tuesday of February next then to be held & kept at Salem in and for the County aforesaid. [*Passed December 20.*]

Legislative  
Records of the  
Council, xvi.,  
396.

House Jour-  
nal, p. 52.  
Province  
Laws, i., 369,  
chap. 2.

<sup>1</sup> The towns between the Merrimack and Connecticut Rivers above referred to are all in New Hampshire: No. 1. Warner, 2. Bradford, 5. Hopkinton, 6. Henniker.

<sup>2</sup> This township became Westminster, Vermont.

## CHAPTER 107.

## VOTE FOR MAKING £20,000 IN BILLS OF CREDIT.

Legislative  
Records of the  
Council, xvi.,  
397.

House Jour-  
nal, p. 47.  
Province  
Laws, xi., 280,  
chap. 177.  
*Ante*, p. 171,  
chap. 105.

*Voted*<sup>1</sup> that the Com<sup>tee</sup> of this Court for Signing the publick Bills of Credit be & hereby are Impowred & directed to Imprint & Sign as soon as may be Twenty thousand pounds in Bills of Credit on this province viz<sup>t</sup> Ten thousand pounds, part thereof from the plate of the highest denomination, Five Thousand pounds, part thereof, from the plate of the Middle Denomination, and the Remaining Five Thousand pounds from the plate of the lowest Denomination; and to Deliver the same to the Treasurer of this province, to be Exchanged for torn & defaced Bills, to be burnt & Consumed to ashes by a Com<sup>tee</sup> to be Appointed by this Court; The Com<sup>tee</sup> to take the Treasurers Receipt for the New Bills & to be paid for their Service as the Com<sup>tee</sup> for Signing Bills have been heretofore paid. [*Passed December 21.*]

## CHAPTER 108.

## VOTE IMPOWERING JOHN LARRABEE TO CHARGE 15/ PER WEEK PER MAN FOR VICTUALLING THE GARRISON AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xvi.,  
397.

House Jour-  
nal, pp. 6, 61.

A PETITION of John Larrabee Victualler of the Garrison at his Majestys Castle William, Setting forth the great Rise of the price of provisions, and praying that he may be Allowed Fifteen shillings p Week p Man for Subsisting the said Garrison

Read &

*Voted* that the pet<sup>r</sup> Lien<sup>t</sup> John Larrabee be & hereby is Allowed & Impowred to Charge in his next Accompt of Victualling the said Garrison, for the last Six months, & also for One Year next after, Fifteen shillings p week for each officer & Soldier born on the Roll of the said Castle, and that the Same be and hereby is Granted to be allowed and paid out of the publick Treasury Accordingly. [*Passed December 21.*]

## CHAPTER 109.

## ORDER IMPOWERING SARAH HEWEN AS ADMINISTRATRIX TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xvi.,  
397.

House Jour-  
nal, pp. 43, 57.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Sarah Hewen Adm<sup>x</sup> of the Estate of her late Husband, Benjamin Hewen of Stoughton deced<sup>d</sup>, Shewing that She had obtained a License from the Justices of the Superiour Court to Sell a part of the Real Estate of the said Deceased for the payment of his Debts, but the Circumstances are Such that no person will buy a part; And therefore praying that she may have liberty from this Court to Sell the whole

Read &

*Voted* that the prayer of the petition be so far Granted, as that the pet<sup>r</sup> be & hereby is allowed & Impowred to make Sale of the whole of the Real Estate of her late husband, Benjamin Hewen of Stoughton deced<sup>d</sup> Intestate for the most the same will fetch, & in proceeding therein to Observe the Rules & directions of the Act of this province

<sup>1</sup> “*Ordered*,” in the House Journal.

of the Sixth Year of the Reign of his late Majesty King George Chap 3<sup>d</sup> Relating to the Sale of Real Estates, and to pass & Execute in due form of Law a Good Deed or deeds of Sale & Conveyance thereof, in her said Capacity, to the person or persons who shall purchase the Same And Cap<sup>t</sup> George Talbot of Stoughton is hereby desired and Impowred to be Aiding and Assisting to the pet<sup>r</sup> in the Sale of the premisses, and See that Justice is done to the Interested and also that out of the proceeds thereof the deceds just debts are paid and discharged, provided the pet<sup>r</sup> gives Sufficient Caution to the Judge of Probate of Wills & for the County of Suffolk that the third part of the proceeds of the Sale, which she is to hold for life in Dower, shall at her decease be paid by her Executors or admo<sup>r</sup>s to the heirs and Lawfull Represent<sup>s</sup> of the said deced, & shall also give further & Sufficient Caution to the said Judge to pay and deliver to the heirs & legal Represent<sup>s</sup> of the said Deceased, or the Guardian or Guardians of such of them as are in their Minority, to and for the use as the Same shall be Respectively due to them, the full & whole of what shall Remain of the proceeds of the Sale of the premisses, so soon as the Debts are paid & discharged & the pet<sup>rs</sup> thirds are deducted therefrom & Secured as aforesaid. [*Passed December 21.*]

## CHAPTER 110.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF CONSTANT SOUTHWORTH AND OTHERS OF BRIDGWATER TO BE ERECTED INTO A TOWNSHIP.

A PETITION of Constant Southworth & others Inhabitants of Bridgewater, praying that they & their Familys with a Tract of Land belonging to the said Town, & a part of the Town of Stoughton, as particularly described, may be Erected into a Township

In the House of Representatives Read and

*Ordered* that John Akden And Richard Cutt Esq<sup>rs</sup> with Such as the honourable board shall joine be a Committee to repair to the Lands petitioned for to be Erected into a township, (at the charge of the petitioners) first giving seasonable Notice to the towns of Bridgewater & stoughton and all parties herein concerned of the time of their going; that they carefully View the situation and circumstances of the petitioners and the Lands within Mentioned, hear all parties herein concerned in their pleas & Allegations for & against the prayer of the petition, & fully consider the Same, and that they report their doings herein with their Opinion of what may be proper for the Court to do in Answer to the petition as soon as may be

In Council, Read & Concur'd & Thomas Berry Esq<sup>r</sup> is joined in the Affair. [*Passed December 21.*]<sup>1</sup>

Legislative  
Records of the  
Council, xvi.,  
401. Mass.  
Archives,  
cxiv., 214.

Mass.  
Archives,  
cxiv., 212.  
House Jour-  
nal, pp. 51, 52.

## CHAPTER 111.

ORDER IMPOWERING THEO: CUSHING EXECUTOR TO SELL REAL ESTATE.

A PETITION of Theophilus Cushing of Scituate, Shewing that he & Joshua Stoddard<sup>2</sup> Executors of Hezekiah Stoddard<sup>2</sup> Upon their Application to the Judges of the Sup<sup>r</sup> Court were Impowred to Sell the

Legislative  
Records of the  
Council, xvi.,  
387, 398.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 24.

<sup>2</sup> The House Journal, p. 42, reads, "*Stodder.*"

House Jour-  
nal, pp. 42, 64.

Deceaseds Real Estate but the said Joshua Stoddard Refuses to Join with the pet<sup>rs</sup> in Executing A Deed or Deeds thereof praying that he may be Impowred to make Sale there of by himself

Read And it Appearing that the within named Joshua Stodder had been duly Served with a Copy of the petition and not making Answer thereto,

*Ordered* that the prayer of the petition be Granted and that the said Theophilus Cushing be & hereby is Impowred to make Sale of the said Deceaseds Estate and to make & Execute a good Deed & Sufficient Deed or deeds of Conveyance of the same, which shall be held as good & Valid in the Law as if the said Stodder had Joined therein; & the produce thereof to be Applied According to the direction of the Superiour Court within Referr'd to. [*Passed December 22.*]

## CHAPTER 112.

### ORDER OF NOTICE ON THE PETITION OF THE COMTEE FOR HUNTS TOWN IN REGARD TO THE BOUNDARIES THEREOF.

Legislative  
Records of the  
Council, xvi.,  
400.

Maps and  
Plans, Mss.,  
xxxv., 20.  
House Jour-  
nal, pp. 68, 69.  
Province  
Laws, iv., 863,  
note; ix., 566,  
chap. 122.  
*Ante*, p. 181,  
chap. 132.  
*Post*, p. 332,  
chap. 160.

A PETITION of Edmund Quincey Esq<sup>r</sup> & others a Com<sup>tee</sup> for laying out a Township. Granted to the Canada Soldiers Under the Command of Cap<sup>t</sup> Ephraim Hunt deced, Shewing that they have laid out said Township on the West side of Deerfield; Since which the proprietors of Deerfield have set out their Westerly bounds, including an Additional Grant made to them about twenty Years Since, by which One third part of the best of the Land is taken off from this New Township, (the plat of which has been confirmed by this Court) And therefore praying that the proprietors of Deerfield may be directed to Return a plat of their Township or of the said Additional Grant or at least of the Westerly bounds thereof to this Court, that so Justice may be done to all partys or that the pet<sup>rs</sup> may be otherwise Relieved.

Read &

*Ordered* that the Memorialists forthwith Serve the Town of Deerfield with a Copy of the Memorial, that they be and hereby are directed to lay before the Court a Correct plat of their Additional Grant, therein Marking out the true Westerly bounds of said Township, that so this Court may further consider this Memorial for their future Orders. [*Passed December 24.*]

## CHAPTER 113.

### VOTE ON THOS PLAISTEADS PETITION RELATIVE TO THE REPAYMENT OF A LOAN OF £800.

Legislative  
Records of the  
Council, xvi.,  
400.

House Jour-  
nal, p. 70.  
*Ante*, p. 285,  
chap. 56.

A PETITION of Thomas Plaisted, praying that he may Receive the Loan Voted to him in January last for encouraging him in the Manufacture of Potash at the Sterling Value thereof, as it now is & that he may pay in the Same at the Rate he Receives it, According to that Standard; and that his Bonds may be Drawn Accordingly; and that the term of three Years allowed for the said Loan and for the Carrying on the said Manufacture may be Reckoned from his Receipt of the said Loan

Read & in Answer to this petition,

*Voted* that the Term of three Years within mentioned is to be Understood and Accounted as well for the pet<sup>rs</sup> Improving the manufacture of Potash, as Returning the Eight hundred pounds Loan to Commence from and after the time of his Receiving said Loan. [*Passed December 24.*]



## CHAPTER 114.

ORDER OF NOTICE ON STEPHEN WILLIAMS & OTHERS PETITION TO  
BE EXEMPT FROM TAXATION.

A PETITION of Stephen Williams, Benjamin Pierson, Elizabeth Tucker, Stephen Williams jun<sup>r</sup> & Eben<sup>r</sup> Tucker jun<sup>r</sup> all of Roxbury; praying that they may be Exonerated from the Taxes laid on them for any Charges that Arose within the West preeinct in said Town, Untill the late Settlement of the line between the two preeincts, and that what they have Already paid may be Refunded

Legislative  
Records of the  
Council, xvi.,  
389, 402.

House Jour-  
nal, pp. 46, 75.  
*Ante*, p. 202,  
chap. 179.

Read; & forasmuch as the pet<sup>rs</sup> have elapsed the time for Serving the East & west preeincts in Roxbury with Copys of this petition,

*Ordered* that the pet<sup>rs</sup> forthwith Serve the East & West preeincts in Roxbury with Copys of this petition that they make Answer thereto if they see Cause, on Tuesday the fourth day of January next and the petition is Referr'd to that time for further consideration. [*Passed December 28.*]

## CHAPTER 115.

ORDER APPOINTING A COMMITTEE FOR RECEIV<sup>G</sup> BILLS OF CRED<sup>T</sup> OF  
THE LATE TREAS<sup>R</sup>.

In the House of Representatives

*Ordered* That Elisha Cooke Joseph Dwight and John Stoddard Esq<sup>rs</sup> M<sup>r</sup> Thomas Cushing John Chandler Job Almy Benj<sup>a</sup> Prescot and Daniel Epes Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> Board shall join be a Committee to receive of the Late Treasurer Allen the Sum of Twenty Seven Thousand and Fifty Nine Pounds Seventeen shillings and six pence in Bills of Credit in his hands; And also the Books and all Papers and other things belonging to the Province under his Present Care and to give him a receipt therefor and that the the<sup>1</sup> said Committee deliver the said Twenty Seven Thousand and fifty nine Pounds seventeen shillings and six Pence Books Papers &c as aforesaid to M<sup>r</sup> Treasurer Foye taking his receipt for the same; And that the said Committee be further Impowered and Directed to receive of the said late Treasurer Allen all such Bills of Publick Credit on the Province in his hands as are Torn and defaced or Rendered unfit for further Service and on the receipt thereof to cause the Same to be consumed and Burned to Ashes and to give the said late Treasurer Allen a Receipt for the Same.

Legislative  
Records of the  
Council, xvi.,  
403. Mass.  
Archives, ci.,  
552.

House Jour-  
nal, p. 75.

In Council Read and Concurred & William Pepperell William Dudley John Jeffries Jacob Wendell Anthony Stoddard and Samuel Welles Esq<sup>rs</sup> are joined in the Affair. [*Passed December 29.*]

## CHAPTER 116.

## VOTE ADJOURNING THE YORK COUNTY COURT.

WHEREAS the Court of General Sessions of the peace & Inferiour Court of Common pleas for the County of York are by Law Appointed to be held & kept at York in and for said County on the first Tuesday

Legislative  
Records of the  
Council, xvi.,  
404.

<sup>1</sup> *Sic.*



House Journal, p. 78.  
Province  
Laws, I., 369,  
chap. 2.

of January next and many of the Justices of the said Courts and Others concerned are also Members of the General Court now Sitting and may Continue Sitting till that time;

*Voted* That the Justices of the said Courts be and hereby are directed to Adjourn the same to the first Tuesday of February next then to be held and kept at York in and for the County aforesaid. [*Passed December 29.*]

## CHAPTER 117.

### ORDER IMPOWERING PETER LUCE TO BRING AN ACTION.

Legislative  
Records of the  
Council, xvi.,  
383, 404.

House Journal, pp. 32, 73,  
74.

A PETITION of Peter Luce of Boston Merchant, Shewing That in Febr'y 1733 Isaac Hobhouse of Bristol in Great Britain Merchant brought his Action of the Case Against George Campbell and John Quane for the Recovery of a ballance of £2,304. 13. 9; that the writ was Served only on the said Campbell, & the pet<sup>r</sup> as Bail Executed a Bond in the Usual form, that pending the Suit the said Campbell died & Adminon of his Estate was Committed to Samuel Marshall, who Rendred the Estate Insolvant; that Judgment is finally gone Against the pet<sup>r</sup> as Bail on the writ of Scire facias; which with Costs Amounts to near £1,400; And praying that he may be Allowed to Review the said Judgment or be otherwise Relieved & Execution be Staid in the meantime.

Read together with the Answer of Thomas Gunter Attorney to Isaac Hobhouse & the Matter being fully considered

*Ordered* that the prayer of the petition be so far Granted as that the Pet<sup>r</sup> be Allowed and Impowred at any time within three Months to bring forward his Suit for the Recovery of what is due to him from Isaac Hobhouse, by leaving a Summons with Thomas Gunter aforesaid; which shall be as Effectual to bring forward a Trial, as if the said Hobhouse were within this province & the Summons were left with him. And It is further

*Ordered* that the said Gunter give bond to the pet<sup>r</sup> with Suretys to pay & answer what the pet<sup>r</sup> shall Recover Against the said Hobhouse so far as the sum said Gunter as attorney to the said Hobhouse hath Recovered Against the pet<sup>r</sup> shall Enable him And it is likewise

*Ordered* that Execution on the Judgment in favour of the said Hobhouse be not levied till the said Gunter shall give bond as aforesaid. [*Passed December 29.*]

## CHAPTER 118.

### ORDER SETTING OFF THE INHABITANTS OF CHEKAMO FROM CHILMARK AND ANNEXING THEM TO TISBURY.

Legislative  
Records of the  
Council, xvi.,  
372, 405.

House Journal, pp. 7, 80.

A PETITION of David Butler, Ichabod Allen, and others proprietors and Inhabitants of a Tract of Land, Called Cheekamo in the Town of Chilmark on the Island of Marthas Vineyard. Shewing that they live Eight Miles from the Meeting house in said Town, and but four from Tisbury Meeting house, which they must pass by in their Travell to Chilmark; And therefore praying That the whole Tract of Land Called Cheekamo with their Inhabitants and their Estates may be set off from Chilmark and Annexed to the Town of Tisbury

Read, together with the Answer of Payne Mahew Esq<sup>r</sup> and the Matter being fully considered,

*Ordered* that the prayer of the petition be so far Granted, as that the pet<sup>rs</sup> with their Estates lying in the place Mentioned be & hereby are to all Intents and purposes Set off from the Town of Chilmark, and Annexed to the Town of Tisbury for the future; provided the pet<sup>rs</sup> be and hereby are held and Subjected to the payment of all Rates & Taxes what soever which have hitherto been Assessed on them by the Town of Chilmark or otherwise by Order of Law. [*Passed December 30.*]

## CHAPTER 119.

## ORDER ALLOWING £30 TO WM JEFFERY INDIAN.

A PETITION of William Jeffrey of Harwich Indian, Setting forth his distressed Condition by Reason of Greivous Wounds Reced in the publick Service Against the Indian Enemy, and praying for some Allowance out of the publick Treasury for his Support

Legislative  
Records of the  
Council, xvi.,  
405.

Read & in Answer to this petition,

House Jour-  
nal, p. 79.

*Ordered* that the sum of Thirty pounds be Granted & Allowed to be paid out of the publick Treasury (for the Relief & Support of the pet<sup>r</sup>) to Edmund Freeman Esq<sup>r</sup> by him to be used & disposed of & paid out as the pet<sup>rs</sup> Necessitys Require the said Freeman to be Accountable for the disposition of the Money And in Case the pet<sup>r</sup> should dye before the whole of the sum hereby Granted is Expended the Remainder thereof to be Returned into the province Treasury. [*Passed December 30.*]

## CHAPTER 120.

## ORDER ADDING BENJAMIN BROWN ESQ TO THE COMMITTEE ON TREASURER ALLENS ACCOUNTS.

Legislative  
Records of the  
Council, xvi.,  
406.

*Ordered* that Benjamin Brown Esq<sup>r</sup> be Added to the Com<sup>tee</sup> Appointed to Receive of M<sup>r</sup> Treasurer Allen what Bills of Credit &c belonging to the province he has in his hands. [*Passed December 31.*]

House Jour-  
nal, p. 80.  
*Ante*, p. 311,  
chap. 115.

## CHAPTER 121.

## ORDER ADJOURNING THE BRISTOL COUNTY COURTS.

WHEREAS the Court of General Sessions of the peace and Inf<sup>r</sup> Court of Common pleas for the County of Bristol are by Law Appointed to be held and kept at Bristol in and for said County on the Second Tuesday of Janry next and many of the Justices of the said Courts and others Concerned are also Members of the General Court now Sitting and may continue Sitting till that time;

Legislative  
Records of the  
Council, xvi.,  
406.

*Voted* that the Justices of the said Courts be and hereby are directed to Adjourn the same to the first Wednesday of March next being the Second day of said Month then to be held at Bristol in and for the County aforesaid. [*Passed December 31.*]

House Jour-  
nal, p. 82.  
Province  
Laws, i., 369,  
chap. 2.

## CHAPTER 122

ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND FOR MEDFORD.

Legislative  
Records of the  
Council, xvi.,  
406. Maps and  
Plans, Mis.,  
x., 13.

Maps and  
Plans, Mis.,  
x., 13 *bis*.  
House Jour-  
nal, pp. 68, 77.  
*Ante*, p. 145,  
chap. 43.

A PLAT of One thousand Acres of land, laid out by Caleb Brook Survey<sup>r</sup> and Chainmen on oath, to fulfill a Grant made by this Court to the Town of Medford; Bounded Southerly by a Tract of land laid out to the Grantees of the Township called Old Harrys town, Westerly by province land Northerly & Easterly by Piscataquoag River; beginning at A pitch pine tree at the Bank of said River about two Miles West of Merrimaek River Marked **M F**, then Runing West by the Needle with the line of Mark'd trees Six hundred & Ninety three perch then North 15 deg. East to a Maple tree on the Bank of said Piscataquoag River four hundred perch then Runing with said River to the pitch pine first mentioned

Read and

*Ordered* that the plat be Accepted And that the lands therein delineated And described be & are hereby Confirmed unto the town of Medford in the County of Mid<sup>s</sup> the Better to Enable them to Support the Ministry And keep a School in s<sup>d</sup> Town Agreeable to the prayer of S<sup>d</sup> Town to the Court in June 1735 provided the plat exceeds not the Quantity of One Thousand Acres of Land And does not Interfere w<sup>th</sup> Any former Grant. [*Passed December 31.*]

## CHAPTER 123.

ORDER IMPOWERING THE PROP<sup>RS</sup> OF N<sup>O</sup> PART OF WORCESTER TO LEVY AND COLLECT TAXES ON LAND FOR THE SUPPORT OF THE MINISTRY.

Legislative  
Records of the  
Council, xvi.,  
407.

House Jour-  
nal, p. 81

A PETITION of Thomas Palmer Esq<sup>r</sup> & others a Com<sup>tee</sup> of the Proprietors of the North part of Worcester praying that they may be Impowred to assess the Lands there at four pence *p* Acre for the first Year, three pence *p* acre for the Second, and two pence *p* acre for the third Year the money to be Employed for building a Meeting house, & Settling & Supporting a minister in the said North part of Worcester

Read &

*Ordered* that the prayer of the petition be Granted, and the pet<sup>rs</sup> the proprietors of the North half of Worcester be and hereby are Impowred to levy a Tax or assessment on the proprietors of all the lands in the North half of the Town of Worcester at four pence *p* acre for the first Year next coming, and three pence *p* acre for the Second Year, and two pence *p* Acre for the third Year; the Ministers & School lots excepted; the money to be Applied for the building a Meeting house for the publick Worship of God in the said half part of said Town, and for the Support of an orthodox minister Among them; And the Colector or Collectors for that purpose Chosen or to be Chosen by the said Proprietors are hereby Required and directed to Levy and Colect the whole Sum and Sums that shall be Committed to them to Colect, Agreeable to the List or Lists of Assessment, which shall be Respectively Given to them to Collect, during the said Term, and shall Seasonably pay in the said Assessment to the proprietors Treasurer, Agreeable to the lists of the Assessments; The money to be drawn out for the ends and purposes aforesaid by Order of the proprietors Com<sup>tee</sup> And the Lands in the said North half of Worcester are hereby

Subjected to the payment of the said Tax as Occasion may Require, in Case any of the said Proprietors shall Neglect to make Seasonable payment of the Tax or Taxes that shall be Assessed on them during the term of three Years as aforesaid. [*Passed January 1.*]

## CHAPTER 124.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF THOS HUTCHINSON AND OTHERS IN REGARD TO SETTLING AN ESTATE.

THE FOLLOWING ORDER pass'd on the petition of Thomas Hutchinson John Ruck and Nathanael Saltonstal Esq<sup>rs</sup> Executors of the Last will and Testament of Dorothy Saltonstall late Widow and Executrix of John Frizwell deceased, [*ante*, p. 161, chap. 80]

Legislative Records of the Council, xvi., 437.

In Council Read &

House Journal, p. 83.  
*Ante*, p. 207, chap. 187.

*Ordered* that this petition be Revived and that Thomas Cushing and Anthony Stoddard Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Com<sup>tee</sup> to hear the partys to this petition, and to Receive and Adjust the Accompts, as well of the Debts on the Estate of the within named James Thornbury deced, above the Amount of his personal Estate, and the Disbursments made by Israel How for the Repairing and Improving the Real Estate of the said Thornbury by him purchased, as also the Rents and profits of the said Real Estate Since the Decease of the Widow of the said Thornbury and make Report of the State and Ballance of the said Accompts as soon as may be that so this Court may further proceed in the Affair

In the House of Represent<sup>a</sup> Read & Concurr'd and Elisha Cooke Ezekiel Cheever and John Chandler Esq<sup>rs</sup> are Joined in the Affair. [*Passed January 1.*]

## CHAPTER 125.

### VOTE FOR MEETINGS OF THE GRANTEES OF SEVERAL NEW TOWNS.

*Voted* that Cap<sup>t</sup> Samuel Jackson be & hereby is fully Authorized and Impowred to Assemble and Convene the Grantees and propriet<sup>rs</sup> of the Township Number four, Cap<sup>t</sup> Caleb Blodget in like manner to Assemble the Grantees or proprietors of the Township Number Eight, M<sup>r</sup> Samuel Liscomb, in like manner to Assemble the Grantees or proprietors of the Township Number Nine M<sup>r</sup> Isaac Gardner in like manner to assemble the Grantees or proprietors of the Township Number three, and M<sup>r</sup> John Hill in the like manner to Assemble the Grantees or proprietors of the Township Number Seven, lying in the line of Towns between the Rivers of Connecticut & Merrimack<sup>1</sup> all the said Grantees or Proprietors aforesaid to assemble in such places as they shall be Respectively Warned to Convene & assemble at by the persons thereto Respectively impowred as aforesaid: The proprietors of each Township so assembled to Chuse a Moderator & Clerk & Com<sup>tee</sup> to Alot & divide their lands & dispose of the Same and to pass such Votes and Orders as by them may be thought conducive for the Speedy fulfillment of the Conditions of their Grant, and also to Agree Upon Methods for Calling

Legislative Records of the Council, xvi., 408.

Maps and Plans, Mis., lii., 2. House Journal, p. 86. Index to Town Names, p. 46.  
*Ante*, p. 292, chap. 70.

<sup>1</sup> The towns between the Merrimack and Connecticut Rivers above referred to are all in New Hampshire. Their names are, viz.:—

No. 4. Alstead.

8. Washington.

9. Lempster.

3. Acworth.

7. Hillsborô.

of Meetings for the future: provided none of their Votes concerning their Dividing or disposing of their Lands that shall be pass'd while they are under the direction of the Com<sup>tee</sup> of this Court shall be of force before they are Allowed by said Com<sup>tee</sup>. [*Passed January 4.*]

## CHAPTER 126.

### VOTE APPOINTING A COM<sup>TEE</sup> TO CONSID<sup>R</sup> THE STATE OF THE BILLS OF CREDIT.

Legislative  
Records of the  
Council, xvi.,  
409.

House Jour-  
nal, p. 87.  
*Ante*, p. 298,  
chap. 84.

WHEREAS his Majestys Good Subjects have for many Years been great Sufferers by the Uncertain and Sinking State of the Bills of publick Credit; which difficulty doubtless more particularly moved this Court in a very Solemn Manner to implore the divine Guidance and blessing on the present Session; Wherefore to Comply with this Obligation & profession it Seems Necessary that this Court should do all that is possible to Remedy the Threatning Mischief; Therefore

*Resolved* that Thomas Hutchinson, Edmund Quincey, William Dudley, Jacob Wendell & Samuel Welles Esq<sup>rs</sup> with Such as shall be Joined by the Hon<sup>ble</sup> House be a Com<sup>tee</sup> to Consider of this Important Affair and as soon as may be Report what they may Judge proper for this Court to do thereon

In the House of Represent<sup>a</sup> Read & Concurr'd and Col<sup>o</sup> Stoddard, M<sup>r</sup> Cooke Col<sup>o</sup> Prescott, Col<sup>o</sup> Cushing, M<sup>r</sup> Norton, Col<sup>o</sup> Almy, & Col<sup>o</sup> Chandler are joined in the Affair and that the Com<sup>tee</sup> Sit forthwith & Continue Sitting untill they shall Agree on a Report

In Council Read & Concurr'd. [*Passed January 4.*]

## CHAPTER 127.

### ORDER IMPOWERING DAVID INGERSOLE TO FILE AN APPEAL FROM A JUDGMENT WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
382, 409.

House Jour-  
nal, pp. 32, 87.

A PETITION of David Ingersol of Westfield in the County of Hampshire, Shewing that he Appealed from the Judgment of the Inf<sup>r</sup> Court of Common pleas for said County, in August last, Obtained Against him by John Munn & Abigail his wife, formerly Abigail Myrick, Adm<sup>or</sup> of Thomas Myrick deced, unto the Sup<sup>r</sup> Court of Judicature, & Recognized, but his Attorney failed to file his Reasons of Appeal; And therefore praying that he may be Enabled to prosecute The said Appeal at the next Superiour Court of Judicature for the said County

Read together with the Answer of John Munn and Abigail his wife (late Abigail Myrick) & the same being fully considered

*Ordered* that the prayer of the petition be Granted and that the pet<sup>r</sup> be Allowed & Impowred to file his Reasons of Appeal from the Judgment within mentioned, in the Clerks office of the Superiour Court of Judicature &c for the County of Hampshire, & Notify the Adverse party of this Order fourteen days at least before the Sitting of the said Court at Springfield for the said County on the fourth Tuesday of September next; And the Justices of the said Court are hereby Impowred & directed to hear & determine the same & to Enter up Judgment Accordingly; The Costs Already Sustained to Remain as they are And Execution within mentioned is hereby Stayed in the Meantime. [*Passed January 4.*]



## CHAPTER 128.

## ORDER ADJOURNING THE HAMPSHIRE COUNTY COURTS.

WHEREAS the Court of General Sessions of the peace and Inferiour Court of Common pleas for the County of Hampshire Stand Adjourned to Tuesday the Eleventh Instant, and Divers Justices of the said Courts and others Concerned are Members of the General Assembly now Sitting, and which may probably continue to Sit till the said Tuesday, WHEREFORE

*Voted* That the said Court of General Sessions of the peace be Adjourned to the first Tuesday of February next at ten a Clock in the Forenoon and to the said time the said Courts are Accordingly Adjourned; of which all persons concerned are Required to take Notice, and that the Sheriff of the said County or his Deputy be & hereby is Required & directed to publish the Said Adjournment by putting Up Notifications thereof in the Shire town of the said County as well as in the Town where the said Courts are to be held. [*Passed January 5.*]

Legislative  
Records of the  
Council, xvi.,  
410.

House Journal,  
p. 91.

## CHAPTER 129.

## ORDER APPOINTING A COMMITTEE TO EXAMINE THE AFFAIRS OF THE FOUR HOUSATONIC TOWNSHIPS.

THE COM<sup>TEE</sup> Appointed to take into their consideration the plat of the four Housatanock Townships and hear the Committee thereon & the Com<sup>tee</sup> for Settling the Upper Township Granted Upon Housatanock River concerning their proceedings &c Report

That it Appears to this Com<sup>tee</sup> that the Grantees & the Committees Appointed for their Admission to the Upper Township on Housatanock River have always Apprehended & looked upon the hoplands to be part of the said Township, and if their East bounds had been Run when their South & North bounds were made, the said Lands had been Accordingly included; We therefore propose that the plats of the said Township, now before this Court made by Timothy Dwight Esq<sup>r</sup> be Accepted & confirmed and that the plat of the four Townships laid out near & upon the lower & upper Housatanock Township be also Accepted & Confirmed, with this proviso, that the Lands taken out of the plat of Number One of the four Townships by the East bounds of the Upper Housatanock be made up and Added to the said Number One, Near unto and Adjoining the province Lands, so as to give the said Township a full Equivalent as to Quantity and quality; & this to be done by the Com<sup>tee</sup> of this Court Appointed to measure Sheffield, & to Return their doings to this Court. The Committee further Report, that having been Attended by Ebenezer Pomroy and Thomas Ingersol Esq<sup>rs</sup> two of the Com<sup>tee</sup> for Settling Upper Housatanock (John Ashley Esq<sup>r</sup> the other not being in Town) have Received a List of them of the Grantees or Rather the present pretended owners of the Upper Township, containing Sixty in Number, besides three publick Rights, Also Information of twelve hundred Acres belonging to Joakim Van Valkenburg; wherein we Observe a great disproportion as to the quantity each one has of the said Township, Altho Upon Enquiry of the said Com<sup>tee</sup> there is no Difference of the Terms of Settlement, which made us further to enquire of John Stoddard Esq<sup>r</sup> who was Originally of this Committee, tho long Since Resigned, if there was a general Rule agreed on for the Admission of Grantees in the Said Town-

Legislative  
Records of the  
Council, xvi.,  
410. Mass.  
Archives,  
cxiv., 170.

Mass.  
Archives,  
cxiv., 168.  
Maps and  
Plans, Mis.,  
xi., 27. Legis-  
lative Records  
of the Council,  
xvi., 345, 346,  
398. House  
Journal, pp. 88,  
89, 90. Prov-  
ince Laws, xi.,  
728, chap. 41.  
*Ante*, p. 245,  
chap. 272.  
*Post*, p. 331,  
chap. 159.

ships, who fully Satisfied us that the Com<sup>tee</sup> that then was Agreed to Admit Sixty Settlers beside the publick Rights of four hundred Acres each Right, and Accordingly Admitted in Upwards of fifty at that time ; And it Seems to have been the Intention of this Court to have given the said Township Equally to & Amongst the Settlers : And the list afore-named does make forty nine Equal Rights of four hundred Acres each, According to the Rule & Intention aforesaid : And yet we find James Bowdoin Esq<sup>r</sup> entred three thousand Acres proprietor & yet is Entred but for four Rights & is Under Obligation or Condition to Settle but four families &c. To Joseph Green Entred Nine hundred & thirty Acres, & yet but one, Isaac Walker Nine hundred & thirty Acres and yet but one Settler, John Green & Byfield Lyde, entred Eight hundred Acres, & yet but one Settler, Israel Williams Seven hundred & twenty Acres & yet but one Settler, Josiah Phelps One Thousand acres & yet but two Settlers ; We also find that most if not all these Rights have pass'd thro' the hands of David Ingersol, if not the Additions made them While Under his management, and that said David Ingersol stands no less at present than Seven Rights of four hundred Acres each entred to him in this List. We are Informed that the List was made in Boston and that the Original List or Lists with other papers Relating to their Transactions were in the County of Hampshire ; And altho' we Enquired for the Account of the particular Gradations or Steps how these Unequal Rights were brought to the present pretended owners Yet we could have no Satisfactory Account thereof nor the Reason why they were thus bountifully dealt by        WHEREFORE we are of Opinion that some Suitable person or persons be Appointed & Impowred by this Court to make Inquiry into these papers, Records, Entrys, Lists & doings of the Settling Com<sup>tee</sup> above mentioned, and if need be to take the Depositions of any persons in those parts viz<sup>t</sup> in the County of Hampshire as may be knowing in these Matters ; and Report the Same to this Court at their next Session that so the said James Bowdoin, Joseph Green, Isaac Walker, John Green, Byfield Lyde, Israel Williams, and Josiah Phelps may be Reduced in their pretensions of Land in said Upper Housatanock so as to make their Rights equal with the other viz<sup>t</sup> Four hundred acres to One Right or Settler and the Number be Reduced to Sixty besides the publick lots and if there be any Remainder of Land afterwards, it may be Equally divided Among the Settlers and that the Committee be Restrained or forbid to Confirm or do anything tending to Confirm these Excessive Grants, or any part of them Untill this Court shall give further direction thereabout, nor give or Attest any Copys of the said Grants, but that they be open & free to be Reduced to the Original Standard Agreed by the first Com<sup>tee</sup> and the Intention of this Court as aforesaid all which is humbly Submitted By order & in the name of the Committee

SAM<sup>l</sup> THAXTER.

In Council Read and

*Order'd*, That this Report be Accepted, And that Joseph Wilder Esquire, with such as shall be Joynd by the Honourable House of Representatives Shall be a Committee for the Purposes above mentioned, the Charge of the Committee to be born as this Court shall Order        In the House of Representatives Read and Concurr'd, and John Chandler Esquire is joined in the Affair. [*Passed January 6.*]

## CHAPTER 130.

### ORDER CONFIRMING TO REV<sup>D</sup> NATH<sup>L</sup> APPLETON A GORE OF LAND.

A PETITION of M<sup>r</sup> Nathanael Appleton of Cambridge, Shewing that he purchased the Southerly part of a Certain Farm Granted by this Court,<sup>1</sup> lying and being between Worcester and Sutton; the bounds between which and a Small Gore of Province Land of about the quantity of Seven Acres are Uncertain; And therefore praying that he may Obtain a Grant of the said Gore of land of the Province According to a plat thereof herewith Exhibited

Read &

*Ordered* that the prayer of the petition be Granted and that the said Gore of Land as within mentioned & described in the within plat be and hereby is given and Granted to the pet<sup>r</sup> the Rev<sup>d</sup> M<sup>r</sup> Nath<sup>L</sup> Appleton his heirs and Assignes forever. [*Passed January 8.*]

Legislative  
Records of the  
Council, xvi.,  
413.

House Jour-  
nal, p. 97.

## CHAPTER 131.

### ORDER ALLOWING £24 TO SAM<sup>L</sup> MOOR.

A PETITION of Samuel Moor of Litchfield, Shewing that he Killed five Wolves & four Wild Cats, and Obtained a Certificate thereof from the Selectmen, According to Law; but the Choice of the said Selectmen being Declared void by this Court, he cannot Receive the Bounty by Virtue of the said Certificate; Therefore praying for the particular Order of this Court therefor

Read &

*Ordered* that the prayer of the petition be Granted, and the province Treasurer is hereby Impoured and directed to pay the pet<sup>r</sup> or order the sum of Twenty four pounds due to him for the premium of the said five grown Wolves and four Wild Cats, Agreeable to the Certificate within Mentioned. [*Passed January 8.*]

Legislative  
Records of the  
Council, xvi.,  
413.

House Jour-  
nal, p. 19.  
Province  
Laws, ii., 587,  
chap. 10; 603,  
chap. 3.

## CHAPTER 132.

### VOTE TO ISSUE A PATENT FOR TOWNSHIP GRANTED TO THE HOUSATONIC INDIANS.

*Voted* that his Excellency the Govern<sup>r</sup> be Desired to make out a Patent Under the publick Seal of the Province to the Housatanock Tribe of Indians of the Township lately Granted to them by this Court, Agreeable to the Form of the Grant. [*Passed \* January 10.*]

Legislative  
Records of the  
Council, xvi.,  
413.

Mass.  
Archives,  
xxx., 202.  
Legislative  
Records of the  
Council, xvi.,  
345, 346. House  
Journal, p. 99.  
*Ante*, p. 245,  
chap. 272.

## CHAPTER 133.

### ORDER CONFIRMING A PLAT OF 220 ACRES OF LAND LAID OUT TO THO<sup>S</sup> TILESTON.

A PLAT of Land laid out by James Cummins Survey<sup>r</sup> and Chain men on Oath, to fulfill a Grant of Two hundred Acres of Land, made by this

Legislative  
Records of the  
Council, xvi.,

<sup>1</sup> The House Journal adds, "and laid out about fifty Years ago."

413. Mass.  
Archives,  
xlv., 67.

Mass.  
Archives,  
xlv., 65-68.  
House Jour-  
nal, p. 94.  
*Ante*, p. 240,  
chap. 239

Court to Thomas Tilestone Esq<sup>r</sup>, lying on the West Side of Merrimack River, & beginning at the head of Ameskeag Falls, at a pine Tree Marked, & Runing on the River three hundred Rods to a pine tree Marked, thence West 7 deg. South Sixty Rods, thence South 20 Deg. West Two hundred & Sixty Eight Rods, thence South 30 deg East Sixty Rods to a pine Tree, thence East 7 deg. North One hundred & Seventy Rods to the place first mentioned.

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described be & are hereby confirmed to the said Thomas Tilestone Esq<sup>r</sup> his heirs & Assigns for Ever he or they performing the Conditions of the Grant provided the plat exceeds not the quantity of two hundred and twenty Acres and does not interfere with any former Grant. [*Passed January 10.*]

## CHAPTER 134.

ORDER IMPOWERING JOHANNES SPOOR TO SURVEY AND LAY OUT 600 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
414.

House Jour-  
nal, pp. 95, 96.

A PETITION of Johannes Spoor, praying the Confirmation of this Court to him of a Tract of Land near Sheffield, Upon which he is Settled, & has been many Years, having purchased it of Col<sup>d</sup> Rausler of the province of New York & on which he has made many Improvements.

Read & in Answer to this petition,

*Ordered* that Six hundred Acres of the Unimproved lands of the province, lying West of Sheffield, Adjoining to & inclusive of his Improvements be & hereby is given and Granted to the said Johannes Spoor, his heirs and assigns forever, and that he be Allowed and Impowred to Return a plat thereof by a Survey<sup>r</sup> and Chain men on Oath to this Court within twelve Months for Confirmation; And that the said Grant Shall be included, and thence forward and Untill the further Order of this Court, looked Upon & accounted as part and parcell of the Upper Housatanock Township; And the pet<sup>r</sup> his heirs and assigns and the Occupants of the Granted Lands for the time being, as well as the Land it self, shall be and hereby are Subjected to the payment of all Rates & Taxes, that shall at any time hereafter be Assessed on them by this Court, or otherwise by Order of Law; and in Case of the Refusal of the payment of such Rates & Taxes this Grant shall be and hereby is declared to be Null and Void. [*Passed January 10.*]

## CHAPTER 135.

ORDER ACCEPTING THE COMMITTEES REPORT, AND SETTING THE BOUNDARIES OF THE CLAPBOARD TREES PRECINCT AND FURTHER ORDERING THE PAYMENT OF £9. 16. 8 TO THE COMMITTEE.

Legislative  
Records of the  
Council, xvi.,  
414.

House Jour-  
nal, pp. 93, 100.  
*Ante*, p. 235,  
chap. 74.

THE COM<sup>TEE</sup> Appointed by this Court Novem<sup>r</sup> 26: 1736, On the petition of the Inhabitants of Dedham, having been on the land petitioned for to be a precinct, viewed the same, and Considered the Circumstances thereof, and heard the partys for & Against the petition; are humbly of Opinion, that the prayer of the petition be so far Granted, as that a line be Run from the House of Richard Ellis, Northeasterly to the Center, or mid way betwixt the Meeting houses in the South precinct, and in the Clapboard Trees, and from thence to the house of Ebenezer



Ellis to the Cross ways so Called, and be Established as a divisional line betwixt the South precinct in Dedham and that of the Clapboard trees ; and that the land lying betwixt that & the line formerly made betwixt the North & South precinct with the Inhabitants thereon with those familys and their Estates that have been formerly Set to them by this Court out of the North precinct in said Dedham, as also the Family and Estate of Benjamin Fairbank and Such part of the Estates of Richard Ellis, Ebenezer Ellis & Eliphalet Pond, lying in Dedham, that may fall to the Southward of the above mentioned line, be Erected into a Seperate precinct & have parish powers & priviledges Granted to them ; Saving the Familys, persons and Estates hereafter named, that may fall within the bounds of the Parish above Delineated viz<sup>t</sup> Ebenezer Brackett, Nathanael Kingsberry, Amos Fisher, and Josiah Fisher, who are Still Continued to the North precinct in Dedham to do duty and Receive priviledge, William Bullard, Nathanael Lewis, Samuel Farrington, & John Cobb, who belong to the South precinct &c, & are Still to Continue to do duty and Receive priviledge with them as heretofore : Neither is this to be Understood any ways to Alter the Order of this Court formerly made which Obliges A Number of these Familys belonging to the Clap board Trees to pay to the South precinct for a Term of years The Committee are also of Opinion that the petition of Byfield Lyde Esq<sup>r</sup> be Dismiss'd All which is humbly Submitted

In the Name & by Order of the Com<sup>tee</sup>

JOSEPH WILDER

Read &

*Ordered* that this Report be Accepted & the Inhabitants of the precinct Called the Clapboard Trees are directed to pay the Charge of the Committee, Amounting to the Sum of Nine pounds Sixteen shillings & Eight pence, to Joseph Wilder Esq<sup>r</sup> to be by him paid to whom the same is Respectively due. [*Passed January 10.*]

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## CHAPTER 136.

### ORDER CONFIRMING A PLAT OF 700 ACRES OF LAND TO THE HEIRS OF JN<sup>o</sup> WILLIAMS DECED.

A PLAT of Seven hundred Acres of Land laid out by Oliver Partridge Survey<sup>r</sup> & Chainmen on Oath, to fulfill a Grant made by this Court to the heirs of the Rev<sup>d</sup> M<sup>r</sup> John Williams deceased lying South & West and Adjoining to the Town of North hampton

Read &

*Ordered* that the plat be Accepted, and the lands therein Delineated & described be & hereby is Confirmed to the pet<sup>rs</sup> Eleazar Williams, Stephen Williams and Warham Williams, and the other Children and heirs of the late Rev<sup>d</sup> M<sup>r</sup> John Williams decēd, & their heirs and Assignes Respectively forever ; provided it exceeds not the quantity of Seven hundred Acres of Land and does not Interfere with any former Grant. [*Passed January 11.*]

Legislative  
Records of the  
Council, xvi.,  
415.

House Jour-  
nal, p. 33.  
*Ante*, p. 135,  
chap. 20.



## CHAPTER 137.

ORDER WITH NOTICE, APPOINTING A COMMITTEE ON NATH<sup>L</sup> WILLIAMS  
PETITION IN REGARD TO TAXATION.

Legislative  
Records of the  
Council, xvi.,  
416.  
House Jour-  
nal, p. 101.

A PETITION of Nathanael Williams, Complaining that his Lands are taxed both to Taunton and Raynham; praying that he may be Assessed to Taunton only, or that this Court would Appoint a time for hearing & determining the Dispute between the two Towns

In Council Read &

*Ordered* that John Cushing Esq<sup>r</sup> with such as Shall be Joined by the Honble House of Represent<sup>a</sup> be a Com<sup>tee</sup> to Repair to the Lands of the pet<sup>r</sup> view the same hear the partys concerned, and make Report on the first Tuesday of the next May Session, what is proper for the Court to do thereon The Com<sup>tee</sup> to give Seasonable Notice to the Towns of Taunton & Raynham of the time of their coming, and that no Taxes be Levied on the pet<sup>r</sup> in the mean time In the House of Represent<sup>a</sup> Read & Concurr'd & Col<sup>o</sup> Almy & Col<sup>o</sup> Church are Joined in the affair. [*Passed January 11.*]

## CHAPTER 138.

ORDER GRANTING TO ELIAS LYMAN AN ISLAND IN THE CONNECTICUT  
RIVER.

Legislative  
Records of the  
Council, xvi.,  
416.  
House Jour-  
nal, p. 95.

A PETITION of Elias Lyman of Northampton praying for the Grant of a Small Island lying in Connecticutt River between Pascomock Meadow in North Hampton and Mount Holyoke in Hadley

Read &

*Ordered* that the prayer of the petition be Granted and the said Island is hereby Given and Granted to the pet<sup>r</sup> his heirs & assignes forever. [*Passed January 12.*]

## CHAPTER 139.

ORDER IMPOWERING THE REV<sup>d</sup> JOHN CAMPBELL TO SURVEY AND LAY  
OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
416.  
House Jour-  
nal, p. 96.

A PETITION of M<sup>r</sup> John Campbell Shewing his difficult Circumstances in the Work of the Ministry at Oxford, & praying for a Grant of province Land for his encouragment therein

Read &

*Ordered* that three hundred Acres of the Unappropriated Lands of the province, lying between Oxford New Sherburn &c as within mentioned be & hereby is given and Granted unto the pet<sup>r</sup> M<sup>r</sup> John Campbell his heirs & assignes forever, and that he be Allowed & Impowred by a Survey<sup>r</sup> & Chainmen on Oath to Return a plat thereof to this Court within twelve months for Confirmation Accordingly. [*Passed January 12.*]

## CHAPTER 140.

## VOTE GRANTING 200 ACRES OF LAND TO AARON DENIO.

A PETITION of Aaron Denio of Deerfield, praying for a Grant of province Land in consideration of his Losses & Sufferings in the War with the Indians & French & in his Captivity Among them

Legislative  
Records of the  
Council, xvi.,  
417.

Read & in Answer to this petition

House Jour-  
nal, p. 26.

*Voted* that two hundred Acres of the Unappropriated Land in the County of Hampshire be and hereby is Granted to the pet<sup>r</sup> his heirs & assigns in consideration of the Misfortunes and Sufferings within mentioned, Certified by Joseph Kellog and Thomas Welles Esq<sup>rs</sup> That the pet<sup>r</sup> or his Assignes be Obligated to bring forward a Settlement of the Lands within three Years by building a House thereon of Eighteen feet Square & Seven feet Stud at the least, & plowing & bringing to & fit for mowing or planting Six Acres at least of the Granted premisses, and have a Family dwelling on said lands in said House and that he Return a plat thereof to this Court within twelve Months for confirmation. [*Passed January 12.*]

## CHAPTER 141.

## ORDER GRANTING 6,000 ACRES OF LAND TO THE WESTFIELD PROPRIETORS.

A PETITION of M<sup>r</sup> Thomas Ingersol Represent<sup>a</sup> of the Town of Westfield praying for a Grant to the proprietors of said Town, of a Tract of about Six Thousand Acres of land lying between Westfield West boundary & the Township Granted to the proprietors of Suffield

Legislative  
Records of the  
Council, xvi.,  
417.

Read &

Mass.  
Archives,  
ccxliii., 35-37.  
House Jour-  
nal, p. 257  
(March 25,  
1736) ; pp. 85, 86,  
87. *Ante*, p. 79,  
chap. 161 ;  
p. 321, chap.  
136.

*Ordered* that the prayer of the petition be Granted, and the Lands therein Delineated and Described be & hereby are Accordingly given and Granted to the proprietors of the Town of Westfield, their heirs or Assignes Respectively ; provided they do forthwith or as soon as may be Open and Constantly keep in Repair hereafter a Good & Safe Cart way over the premisses in the Road that leads from West field to Housatanock, Commonly called the Albany Road ; provided Also this Grant does not prejudice the Grants lately laid out to the heirs of the late Treasurer M<sup>r</sup> James Taylour at the Pond Called the Ten mile pond, the said Grantees concluding not to hold the same, but it is to be Esteemed & looked upon as among the Upper Housatanuck Equivalents ; And also that part of the Grant of Seven hundred Acres of Land to the heirs of the late Rev<sup>d</sup> M<sup>r</sup> John Williams of Deerfield deced which may or does fall within the lines of the prayed for premisses According to the plat lately passed and Confirmed by this Court And also that this Grant does not exceed the quantity of Six Thousand Acres of Land Exclusive of the said provisoes & does not Interfere with any former Grant ; provided Also that the Grantees as soon as may be lay out two hundred Acres of the Granted premisses for the present minister of the said Town, Two hundred Acres for the ministry, and one hundred Acres for the School forever ; and Return a plat of the premisses & the Sequestrations aforementioned to this Court, within twelve Months for confirmation. [*Passed January 12.*]

## CHAPTER 142.

## VOTE EMPOWERING BENONI MOOR AND OTHERS TO SURVEY AND LAY OUT 600 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
417.

A PETITION of Benoni Moor Joseph Petty & Robert Cooper, Setting forth their Services in the late War, & praying for a Tract of land in consideration thereof

Legislative  
Records of the  
Council, xvi.,  
305. House  
Journal, pp. 27,  
107.

Read & in answer to this petition,

*Voted* that Six hundred Acres of the Unappropriated Lands of the province (being two hundred Acres to each person) be & hereby is granted to the pet<sup>rs</sup> their heirs and Assignes, and that the same be Surveyed & laid out by a Surveyor & Chainmen on Oath, Adjoining to some Town in the County of Hampshire and Return a plat thereof to this Court within twelve months for confirmation to the pet<sup>rs</sup> their heirs and assignes Respectively; provided that each of them build a Dwelling house thereon of Eighteen feet Square and Seven feet Stud at the least and have a Family dwelling on each two hundred Acres, & Six Acres thereof brought to and fitted for English Grass and Subdued by plowing and well fenced within three Years. [*Passed January 12.*]

## CHAPTER 143.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO CAPT SAM<sup>L</sup> JORDAN.

Legislative  
Records of the  
Council, xvi.,  
418. Maps and  
Plans, Mis.,  
x., 24.

Maps and  
Plans, Mis.,  
x., 24 *ter*.  
House Jour-  
nal, p. 102.  
*Ante*, p. 76,  
chap. 153.

A PLAT of three hundred Acres of Land laid out by Charles Frost Survey<sup>r</sup> and Chain men on Oath to fulfill a Grant made by this Court to Cap<sup>t</sup> Samuel Jordan begining on the South West side of a Tract of Land, Called Phillips town in the County of York at a White Oak tree Marked on four sides S  $\frac{1}{2}$ ; thence Runing South West One hundred & forty poles to a Tree Marked as aforesaid, thence South east three hundred and forty three poles to a pitch pine marked as afore said, thence North East One hundred and forty poles to said Phillips Town at another Tree marked as aforesaid then North West three hundred & forty three poles to the first Station.

Read and

*Ordered* That the plat be Accepted, and the Lands therein delineated and described be and hereby are confirmed to the said Captain Samuel Jordan his Heirs and Assigns for Ever provided the plat exceeds not the quantity of three hundred Acres and does not interfere with any former Grant. [*Passed January 12.*]

## CHAPTER 144.

## ORDER IMPOWERING EBENEZER SHELTON AND OTHERS TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
418.

House Jour-  
nal, p. 25.

A PETITION of Ebenezer Sheldon for himself and for Samuel and Mary Clap, Shewing that the said Sheldon and his Sister Mary Clap in their long Captivity in Canada contracted an Acquaintance with the Cagnawaga Indians, who now put them to an Extraordinary, Charge to entertain them when they come to Deerfield; And therefore praying for a Grant of Province Land from this Court

Read & in Answer to this petition

*Ordered* that the pet<sup>r</sup> have leave by a Survey<sup>r</sup> and Chain men on Oath to Survey and lay out three hundred Acres of the Unappropriated Lands of this province in the County of Hampshire and Return a plat thereof to this Court within twelve Months for Confirmation One half thereof to the said Ebenezer Sheldon & the other half to the said Samuel & Mary Clap. [*Passed January 12.*]

## CHAPTER 145.

ORDER IMPOWERING EDW<sup>d</sup> TYNG AND OTHERS TO SURVEY AND LAY OUT 1,200 ACRES OF LAND.

A PETITION of Edward Tyng Temple Nelson & Nathanael Alden, praying for a Grant of a Tract of province Land for themselves and the other heirs of their Respective fathers, in consideration of the Great Charge & Sufferings of their Said Fathers in a long Captivity in France being in the Service of the province when taken

Legislative  
Records of the  
Council, xvi.,  
418.

House Jour-  
nal, pp. 64, 107.

Read and In Answer to this petition

*Ordered* that twelve hundred Acres of the Unappropriated Lands of the province, lying West of Salem Canada Town, be & hereby are granted to the pet<sup>rs</sup> the heirs & legal Represent<sup>a</sup> of the within named Edward Tyng Esq<sup>r</sup> John Nelson Esq<sup>r</sup> & Cap<sup>t</sup> John Alden deced. And that they be Allowed by a Survey<sup>r</sup> and two Chain men on Oath to take a plat thereof and Return the Same to this Court within twelve months for confirmation to the said pet<sup>rs</sup> to be held in three Equal parts viz<sup>t</sup> four hundred Acres to the heirs & Legal Represent<sup>a</sup> of the said Edward Tyng Esq<sup>r</sup> the like quantity to the heirs & legal Represent<sup>a</sup> of the said John Nelson Esq<sup>r</sup> and the Residue of the Grant to the heirs and Legal Represent<sup>a</sup> of the said Cap<sup>t</sup> John Alden deced. [*Passed January 12.*]

## CHAPTER 146.

ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO CAP<sup>t</sup> JN<sup>o</sup> GOREHAMS COMP<sup>a</sup>.

A PLAT of 26,910 Acres of Land, Surveyed by Jerahmeel Cummins Survey<sup>r</sup> and Chain men on Oath 2,130 (part thereof) having been Granted to Zacheus Lovewell & 1,680 Acres laid out to the proprietors of the Township Granted to Cap<sup>t</sup> William Tyngs Company, which leaves twenty three thousand & forty Acres; begining at Suncook South West Corner; Running from thence Northerly by Suncook Town line five Miles and One hundred perch to the North West Corner of Suncook Township, and the Corner of Rumford & so on by Rumford town line One hundred & Seventy Rods to the Corner of the Township Granted to Hopkinton petitioners, thence South 34. 30 West by said Township Eight hundred & fifty two perch to a Birch tree Mark'd; thence by Province Land South 2 : 00. East four hundred & twenty Six perch to the North east Corner of Doct<sup>r</sup> Hales Town ship so Called, and by said Township Six Miles to a White Oak being the South east Corner of said Township, & the North east Corner of Boston Piscataquoag Township, then on the same Course by said Township Six hundred & thirty Nine perch to a heap of Stones thence East by the Needle Six Miles to a pine tree marked on the Bank of Merrimack River; & so by the River to Suncook

Legislative  
Records of the  
Council, xvi.,  
419. Maps and  
Plans, Mis.,  
x., 17.

Maps and  
Plans, Mis.,  
x., 17. House  
Journal,  
pp. 109, 110.  
*Ante*, p. 246,  
chap. 273;  
p. 254, chap.  
291; p. 277,  
chap. 36.

Town Ship and by the said Township to the first Station; which is to Satisfy a Grant of a Township made by this Court to Cap<sup>t</sup> John Goreham & Others

Read and

*Ordered* That the Plat be Accepted & the Lands therein delineated and described (excepting the Grants within mentioned heretofore made by this Court) be accordingly confirmed to the Officers and Soldiers in the Company late under the Command of Cap<sup>t</sup> Jn<sup>o</sup> Goreham deceased in the Canada Expedition Anno 1690 & to the Heirs Legal Representatives & Descendants of such of them as are since deceased their Heirs and Assigns Respectively for Ever they Perform<sup>s</sup> the Conditions of the Grant to all Intents & Purposes, Provided the Plat Exceeds not the Quantity of Twenty Six thousand Nine hundred & ten Acres of Land & does not interfere with any other or former Grant as well those within Mentioned as any other. [*Passed January 13.*]

## CHAPTER 147.

### ORDER IMPOWERING WM THOMAS TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
419.

House Jour-  
nal, pp. 103, 104.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of William Thomas of Natick Indian praying for Liberty from This Court to make sale of a Thirty Acre lot in the Common lands there for paying Debts he has Contracted by his Sickness and for his more Comfortable Support

Read &

*Ordered* that the prayer of the petition be Granted and the pet<sup>r</sup> is hereby Allowed, and Impowred to make Sale of Thirty Acres of his Common Lands in Natick for the Most the same will fetch, and in proceeding therein to Observe the Rules and directions of the Act of this province of the Sixth Year of the Reign of his late Majesty King George the first Chap 3<sup>d</sup> Relating to the Sale of Real Estates and pass and Execute in due form of Law a Good Deed or deeds of Sale & Conveyance thereof to such person or persons as will purchase the Same; And Francis Fullam Esq<sup>r</sup> is hereby Impowred and desired to see that Justice be done the pet<sup>r</sup> in the Sale of the premisses and that out of the proceeds thereof he pay the pet<sup>rs</sup> Just debts the Remainder to be Applied for building a Small house for the pet<sup>r</sup> & to purchase Stock & Utensils for him so far as it will go for the said uses. [*Passed January 13.*]

## CHAPTER 148.

### ORDER IMPOWERING ELIZ<sup>a</sup> HENSHAW AS ADMINISTRATRIX TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xvi.,  
420.

House Jour-  
nal, pp. 22, 103.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Elizabeth Henshaw<sup>1</sup> (late Burroughs) praying for Liberty to Sell a House and Land in Salem, belonging to the Estate of her former Husband Will<sup>m</sup> Burroughs (to which she is Adm<sup>x</sup>) for paying his Debts and Supporting his Children

Read &

*Ordered* that the prayer of the petition be Granted, and that the pet<sup>r</sup> in her said Capacity as admin<sup>x</sup> &c be hereby allowed & Impowred to make Sale of the said Messuage Land & premisses within mentioned

<sup>1</sup> In the margin of the Secretary's copy the name is Henchee; in the State Library copy, Legislative Records of the Council, xvi., 420, it is Hinceh; in the House Journal it is Hincee.



for [the]<sup>1</sup> most the same will fetch, and to pass a Good Deed of Sale and Conveyance of the Same Accordingly and in proceeding therein to Act Agreeable to the Act of the Sixth of George the first Chap 3<sup>d</sup> Relating to the Sale of Real Estates and Benjamin Lynde jun<sup>r</sup> and Thomas Barton Esq<sup>rs</sup> are desired to assist in the Sale; provided She give Sufficient Caution to the Judge of the probate of Wills &c for the County of Essex to Dispose of the produce of the Sale as follows viz<sup>t</sup> Two thirds thereof to be paid to Mess<sup>rs</sup> Timothy Prout & Edward Bromfield of Boston & by them to be paid in discharge of the Debts of her late Husband Burrroughs, and in Educating the Children She has by him, in a prudent Manner; the other third to be paid by her Executor or Adm<sup>r</sup> at her decease, to the Guardian or Guardians of the said Children for their use or to themselves if they or Either of them shall be arrived at full Age or Marriage at the pet<sup>rs</sup> decease. [*Passed January 13.*]

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## CHAPTER 149.

ORDER ON THE PETITION OF JAMES BROWN & JN<sup>o</sup> WALKER TO PAY TAXES IN THE SOUTH PRECINCT OF EASTHAM.

A PETITION of James Brown and John Walker of Eastham, Shewing that when the North precinct was set off in the Year 1723 the pet<sup>rs</sup> were Allowed to belong to the South Untill further Order, but no Mention being made in that Vote of their Estates thô their polls were Exempted, their Estates have been taxed to the North precinct, Praying that they may now be freed by a further vote of this Court & be Continued to the South precinct

Legislative  
Records of the  
Council, xvi.,  
420.

House Jour-  
nal, p. 101.  
Province  
Laws, x., 288,  
chap. 5.

Read &

*Ordered* that the prayer of the petition be Granted and the pet<sup>rs</sup> Estates lying in the North precinct in Eastham, as well as their polls, are hereby declared to be exempt from paying any Tax, or being Subject to any Assessment for the Support of the ministry in the North precinct, but they Remain to the Old or South precinct to do duty and Receive privilege there; And that the Exemption within mentioned when the said North precinct was Erected is & ought to be so understood. [*Passed January 13.*]

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## CHAPTER 150.

VOTE IMPOWERING CAP<sup>t</sup> JN<sup>o</sup> FOOT TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Cap<sup>t</sup> John Foot of Amesbury praying for a Grant of province Land in consideration of his Services & Sufferings in the War Against the Indian Enemy

Legislative  
Records of the  
Council, xvi.,  
422.

Read &

*Voted* that two hundred Acres of the Unappropriated Lands of the province in the Town of Methuen be and hereby is given and Granted to the pet<sup>r</sup> Cap<sup>t</sup> John Foot his heirs and Assignes forever, in consideration of his Services and Expences in the Indian Wars and that he be Allowed by a Survey<sup>r</sup> and Chain men on Oath to Survey the Same and Return a plat thereof to this Court within twelve Months for confirmation Accordingly. [*Passed January 15.*]

House Jour-  
nal, p. 100.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xvi., 420.

## CHAPTER 151.

ORDER GRANTING 400 ACRES OF LAND TO SAM<sup>L</sup> GREEN.

Legislative  
Records of the  
Council, xvi.,  
422.

House Jour-  
nal, pp. 26, 115,  
116.

A PETITION of Samuel Green of Kittery praying for Some Relief from this Court in consideration of a Wound he Received in the Service of the Province Against the Indian Enemy whereby he is disabled from hard Labour & brought into low Circumstances

Read & in Answer to this petition,

*Ordered* that two hundred Acres of the Unappropriated Lands of the province within the County of York, Adjoining to Some Township be & hereby is Granted to the pet<sup>r</sup> his heirs and Assignes, Provided That he or they within three Years from the Confirmation build an house thereon of Eighteen feet Square and Seven feet Stud at the least and Settle a Family thereon plow Up and bring to English Grass fit for mowing Six Acres of Land, and that he Return a plat thereof to this Court within twelve Months for Confirmation Accordingly. [*Passed January 17.*]

## CHAPTER 152.

## ORDER WITH NOTICE REFERRING THE PETITION OF THE THIRD PARISH IN NEWBURY FOR A GRAMMAR SCHOOL.

Legislative  
Records of the  
Council, xvi.,  
423.

House Jour-  
nal, p. 116.

A PETITION of Henry Rolfe & Charles pierce Esq<sup>rs</sup> in behalf of the third parish in Newbury, Praying that they may be Impowred to tax themselves for the Support of a Grammer School and that they may be Exempt from the Charge of the Town School

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Town of Newbury with a Copy of this petition that they Shew Cause, if any they have, on the Second Tuesday of the next may Session, why the prayer thereof should not be Granted; and the petition is accordingly Referred to that time for Consideration. [*Passed January 17.*]

## CHAPTER 153.

ORDER IMPOWERING JON<sup>A</sup> BUTTERFIELD TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
423.

House Jour-  
nal, pp. 28, 115.

A PETITION of Jonathan Butterfield of Chelmsford, Setting forth his long Services in the Indian Wars and the Hardship he has thereby endured by which he has Contracted a Weak & Sickly State of Body And therefore praying for a Grant of Province Land

Read & in Answer to this petition,

*Ordered* that the pet<sup>r</sup> have leave by a Survey<sup>r</sup> and Chain men [on]<sup>1</sup> Oath to Survey and lay out three hundred Acres of the Unappropriated Lands of the province Adjoining to Some Township, and Return a plat thereof to this Court within twelve Months for Confirmation, to him his heirs & assignes forever; provided he or they do within three Years from the Confirmation build a house thereon of Eighteen feet Square & Seven feet Stud Settle a family therein & bring to English Grass fit for mowing Six acres of Land. [*Passed January 17.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xvi., 423.

## CHAPTER 154.

ORDER WITH NOTICE REFERRING THE PETITION OF THE FIRST PARISH  
OF NEWBURY FOR A GRAMMAR SCHOOL.

A PETITION of Henry Rolfe and Charles Peirce Esq<sup>rs</sup> in behalf of the first parish in the Town of Newbury praying that they may be Enabled to keep a Grammer School in their precinct and Raise money on the Inhabitants for the Support of it and may be Exempted from the Tax Raised for the Support of the Town School

Legislative  
Records of the  
Council, xvi.,  
380, 423.

House Jour-  
nal, pp. 13, 116.  
*Ante*, p. 328,  
chap. 152.

Read &

*Ordered* that the further Consideration of the petition be Referr'd to the Second Tuesday of the next May Session & that the pet<sup>rs</sup> notify the Town of Newbury hereof in the meantime. [*Passed January 17.*]

## CHAPTER 155.

ORDER WITH NOTICE REFERRING THE TEWKSBURY PETITION TO LAY  
A TAX ON LAND.

A PETITION of Samuel Hunt and James Kitteridge a Com<sup>tee</sup> for the Town of Tewkesbury, praying that the said Town may be Impoured to tax the Unimproved Lands of the Nonresident Proprietors lying in said Town, at Six pence per Acre for five Years for the building of a meeting house & Settling & Supporting a Minister

Legislative  
Records of the  
Council, xvi.,  
424.

House Jour-  
nal, p. 91.

Read &

*Ordered* that the pet<sup>rs</sup> give publick Notice to the Nonresident Proprietors of the Unimproved Lands in the Town of Tewkesbury of this petition, by putting Up Notifications in the said Town of Tewksbury as well as in Cambridge the Shire town of the County, where the Lands lye, that they Shew Cause if any they have on the first Tuesday of the next Sitting of the Court why the prayer thereof should not be Granted, and the petition is Referr'd to that time for further Consideration. [*Passed January 18.*]

## CHAPTER 156.

ORDER GRANTING FURTHER TIME TO BENJAMIN BELLOWES AND OTHERS  
FOR PERFORMING THE CONDITIONS OF THE GRANT OF 450 ACRES OF  
LAND.

A PETITION of Benjamin Bellows Hilkiah Boynton & Moses Willard Shewing that they have delayed (till now) laying out Four hundred & fifty Acres of Land Granted to them by this Court, to be laid out on the New Road between Lunenburgh & Northfield, because it was thought Necessary that the said Road should be Altered, for which Reason also they have not as yet wholly complied with the other Conditions of the Grant but do now present a plat of the said Four hundred and Fifty Acres of Land, praying for the Confirmation thereof and that they be Allowed One Year more for performing the Conditions upon which the Grant was made

Legislative  
Records of the  
Council, xvi.,  
424. Mass.  
Archives,  
ccxliii., 38.

Mass.  
Archives,  
ccxliii., 38.  
House Jour-  
nal, p. 116.  
*Ante*, p. 56,  
chap. 112.  
*Infra*, chap.  
157.

Read and

*Ordered* that the prayer of the petition be granted. [*Passed January 18.*]

## CHAPTER 157.

## ORDER CONFIRMING A PLAT OF 450 ACRES TO BENJA BELLWS AND OTHERS.

Legislative  
Records of the  
Council, xvi.,  
424. Maps and  
Plans, Mis.,  
xi., 5.

Maps and  
Plans, Mis.,  
xi., 5, 6.  
House Jour-  
nal, p. 116.  
*Supra*, chap.  
156.

A PLAT of Four hundred and Fifty Acres of Land laid out by David Farrer Survey<sup>r</sup> and Chain men on Oath to Benjamin Bellows Moses Willard and Hilkiah Boynton to fulfill A Grant of this Court made in November 1734, Bounded partly on the fifteenth & partly on the Sixteenth Mile of the Road between Lunenburg and Northfield; Beginning at a Hemlock Tree about ten Rods South of the Road; from thence Runing West 20 Deg<sup>r</sup> South by the Needle Two hundred & Eighty four Rods to a White pine tree Standing about forty or fifty Rods from a brook & Meadow, thence North 20 deg. West two hundred & Seventy Rods to a Chesnut tree thence Making a Right Angle & running two hundred & eighty four rods to a white Ash Tree; thence making an other right Angle,<sup>1</sup> two hundred & Seventy Rods to the first Station.

Read and

*Ordered* That the plat be accepted and the Lands therein delineated & described be & hereby are confirmed to the said Benjamin Bellows Hilkiah Boynton and Moses Willard their Heirs & Assigns respectively for Ever in equal parts on Condition they build & finish the two remaining Houses directed to in the Grant within the space of twelve Months, and effectually fulfill & Comply with the other Conditions of the Grant to all Intents & purposes, provided the plat exceeds not the quantity of Four hundred and fifty Acres of Land, and does not interfere with any former Grant. [*Passed January 18.*]

## CHAPTER 158.

ORDER ABT THE TOWN GRANTED TO CAP<sup>t</sup> SYLVESTERS COMP<sup>a</sup>.

Legislative  
Records of the  
Council, xvi.,  
425.

House Jour-  
nal, pp. 117, 118.  
*Ante*, p. 145,  
chap. 45.

WHEREAS a Grant of a Township of the Contents of Six Miles Square was made by this Court at their Session in June 1735 to the Officers & Soldiers in the Canada Expedition Under the Command of Cap<sup>t</sup> Joseph Sylvester and to the heirs legal Represent<sup>a</sup> & descendants of such of them as are deceased, But for as much as a Sufficient Number of said Grantees do not appear to give Bonds for fulfilling the Conditions Agreeable to the directions of the said Grant

Therefore

*Ordered* that the Com<sup>tee</sup> Appointed to Admit Settlers in said Township be Impoured to Admit any Others that were Either officers & Soldiers in any other Company in the said Canada Expedition, or the heirs Legal Represent<sup>a</sup> or Descendants of any of them who are Since deceased, who have not been Admitted Grantees into other Towns; So as to make the Number of Sixty Settlers in all; and that Upon their giving Bond as aforesaid, they each of them be entitled to a Sixty third part of said Township, provided they perform the Conditions of said Grant, Unless a Sufficient Number of the said Company so as to make up in the whole of the said Officers and Soldiers or of the heirs legal Represent<sup>a</sup> or Descendants of such of them as are since

<sup>1</sup> The words "& running two hundred . . . Angle," are inserted from the State Library copy, Legislative Records of the Council, xvi., 424.

deced<sup>d</sup> Appear to make their Claim to said Grant before the Com<sup>tee</sup> Appointed to admit Grantees at or before the Eighteenth day of March next and that the said Com<sup>tee</sup> give publick Notice Seasonably of this Order. [*Passed January 18.*]

## CHAPTER 159.

ORDER ACCEPTING THE COMMITTEES REPORT AND CONFIRMING A PLAT OF FOUR TOWNS ON THE ROAD FROM SHEFFIELD TO WESTFIELD.

WE THE SUBSCRIB<sup>RS</sup> being the Major Part of the Com<sup>tee</sup> of the Great & Gen<sup>l</sup> Court of this Province according to an Order pass<sup>d</sup> at their Session held at Boston Nov<sup>r</sup> 19<sup>th</sup> 1735. have Surveyed & Laid out the Lands on both Sides the Road to Housatanock into Four Townships, of the Contents of Six miles Square Each. And have Laid them Adjoyning to Sheffield & Each to other and as near the s<sup>d</sup> Road as the Land would allow All which is represented & fully Set forth in the Plan hereunto annexed which was drawn & finished by the Survey<sup>rs</sup> Subscribing the Same who with the Chainmen were all duly Sworn before A Justice of the Peace And the Com<sup>tee</sup> have agreed to notify the Petit<sup>rs</sup> in ord<sup>r</sup> to their Giving Bonds to fulfill the Conditions of the Grant according to the Direction of the Hon<sup>ble</sup> Court

Legislative  
Records of the  
Council, xvi.,  
374, 375. Mass.  
Archives,  
ccxliii., 74.  
Maps and  
Plans, Mis.,  
xi., 1.  
Maps and  
Plans, Mis.,  
xi., 1. House  
Journal, pp. 14,  
15, 90, 91. *Ante*,  
p. 232, chap.  
240.

All which is humbly Submitted by Y<sup>r</sup> Excell<sup>ys</sup> & Honours most Dutiful & obedient Servants

Octo<sup>r</sup> 8<sup>th</sup> 1736.

EDM<sup>d</sup> QUINCY  
JOHN ALDEN

JOHN FISHER  
STEPHEN SKEFF

Read and

*Ordered* That this Report be Accepted.

A plat of four Townships laid out by William Chandler & John Ashley Survey<sup>rs</sup> between Sheffield & Westfield as Referr<sup>d</sup> to in the Report of the Committee above mentioned

Read and

*Ordered* that the within plat be Accepted, Saving and providing that the west Bounds of the township Number One is hereby declared to be the East bounds of the Upper township of Housatannoc and to begin at a White Oak tree being the reputed North East Corner of Sheffield, and from thence to run North 40<sup>''</sup> East, and that Joseph Wilder and John Chandler Esq<sup>rs</sup> be a Committee to lay out to the said township Number One a full Equivalent as to Quantity and Quality, as near as may be out of the province Lands adjoining to Said township Number one for so much as is taken therefrom by the said upper Housatannoc township according to the plat thereof Accepted & Approved and the report of the Committee for Considering the within plat as Entred above And the Lands therein respectively delineated and described in the said four town Ships Excepting as before Excepted be and hereby is Confirmed to the petitioners or Grantees to be admitted by a Committee of this Court for that purpose Appointed and Authorized in January last their Heirs and Assigns in Answer to the several petitions on which the Grants of the said townships were made provided the said petitioners or Grantees respectively & effectually Comply with & perform the Conditions of the said Grants to all Intents and purposes whatsoever, provided also the plat Contains no more then what the survey expresses as to the contents of each of said townships, and does not interfere with any former Grant; and saving to the proprietors of the Lands particularly mentioned by the



surveyors in any of the said townships what has heretofore been granted and confirmed to them and saving also to the proprietors of upper Housatonic as is above saved and provided. [*Passed January 19.*<sup>1</sup>

## CHAPTER 160.

### ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO CAPT EPHRAIM HUNT'S COMP.

Legislative  
Records of the  
Council, xvi.,  
425. Maps and  
Plans, Mis.,  
x., 28.

Maps and  
Plans, Mis.,  
x., 28 *bis*.  
House Jour-  
nal, p. 119.  
Province  
Laws, iv., 864,  
note. *Ante*,  
p. 181, chap.  
132.

A PLAT of the Township Granted to the Company Under the Command of Cap<sup>t</sup> Ephraim Hunt laid out by Nath<sup>l</sup> Kellog Survey<sup>r</sup> & Chainmen on Oath bounded East on Dearfield West bounds on all other sides on province Lands, Beginning at a Stake & Stones in Deerfield Westline; thence Running North 22 deg East Two Thousand two hundred & forty perch to Deerfield River thence; West 17 Deg. North Seventeen hundred and Thirty perch then South 32 deg: West Twenty one hundred & thirty perch then East 22 deg: South Seventeen hundred perch to the first Station

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described be and hereby are confirmed to the officers & soldiers of the Company in the Canada Expedition Anno 1690 under the Command of the late Captain Ephraim Hunt deceased, and to the Heirs, legal Representatives and Descendants of such of them as are Since deceased and to their Heirs & assigns respectively for Ever, they fulfilling and performing the Conditions of the Grant, provided the plat exceeds not the quantity of Six Miles square of Land, and does not interfere with any former Grant. [*Passed January 19.*

## CHAPTER 161.

### VOTE FOR BUILDING A MEETING HOUSE & SCHOOL HOUSE FOR THE HOUSATANOCK INDIANS, AND AN ORDER ABOUT JACOB LANSINGS CLAIM.

Legislative  
Records of the  
Council, xvi.,  
426.

Legislative  
Records of the  
Council, xvi.,  
370. House  
Journal, pp. 5,  
110, 111.  
*Ante*, p. 245,  
chap. 272.

IN ANSWER to that part of his Excellencys Speech Relating to the Housatanock Indians &c

*Voted* That the Hon<sup>ble</sup> John Stoddard Esq<sup>r</sup> the Rev<sup>d</sup> M<sup>r</sup> John Sergeant, the Minister, & M<sup>r</sup> Timothy Woodbridge, the Schoolmaster of said Housatanock Indians be and hereby are Impowred and fully Authorized to build & finish a Meeting house & School house for the use of the Housatanock Tribe of Indians, the Meeting house to be forty feet long, and thirty feet wide, the School house to be Eighteen feet Square, and be Raised and finished in Some Convenient place in said Indian Township; And Whereas M<sup>r</sup> Jacob Lansing lays Claim to a parcell of Land within the bounds of the Indian Town of Housatanock, which Land before the laying out of Said Town was proposed to be given him in Satisfaction of a debt due as he says from Suncooks Eldest son, latly deceased, the owner thereof, the Satisfaction of which debt by allowing the said Lansings Claim will Lessen the said Indian Town Therefore

<sup>1</sup> There seems to be a discrepancy in regard to the date of this record; the date of the Governor's consent is taken in this instance.

*Ordered* that the Com<sup>tee</sup> be & hereby are Impowred to Examine into the said Affair, and Agree with the said Lansing, to make him Satisfaction for his Debt either in money or in land Adjoining to the Indian Town, as to the Com<sup>tee</sup> Shall Seem Most Convenient; And that the Committee in the best Manner they can give publick Notice that the Government will not Allow of persons purchasing any of the said Indian land whatsoever with out leave first had therefor from the General Court; The Charge of building and finishing the Meeting house & School house with the Allowance of Thirty pounds to the said Indians which they say has not been paid them as it ought to have been on account of their Sale of some lands in Sheffield & that the said Com<sup>tees</sup> time & Charge herein be Granted & allowed to be paid out of the publick Treasury as soon as there shall be a Supply & the Thirty pounds, Ordered to be paid the Indians be Repaid by the Proprietors of the Town of Sheffield into the publick Treasury. [*Passed January 19.*]

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## CHAPTER 162.

### ORDER FOR ADJOURNING THE MIDDLESEX COUNTY SUPERIOR COURT.

WHEREAS the Sup<sup>r</sup> Court of Judicature Court of Assize & General Goal delivery is by Law to be held & kept at Charlestown, in the County of Middlesex in & for said County, on Tuesday the twenty fifth Instant And Whereas the Justices of that Court & many others who may be concerned are Members of the Great and General Court or Assembly now Sitting and which may probably continue Sitting to the said Tuesday and Afterwards; Therefore

*Voted* that the said Superiour Court of Judicature, Court of Assize and General Goal Delivery be adjourned to Tuesday the first of March next at ten of the Clock in the Forenoon, and to the said Time the said Court is Accordingly Adjourned; of which all persons concerned are Required to take Notice: And the Sheriff of the said County is directed forthwith to post up Copys of this Order in Some places in the Town of Charlestown and in Such other Towns as he shall Judge Most likly to Give Speedy Information thro the said County. [*Passed January 19.*]

Legislative  
Records of the  
Council, xvi.,  
426.

House Jour-  
nal, p. 121.  
Province  
Laws, i., 371,  
chap. 3.

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## CHAPTER 163.

### ORDER IMPOWERING JOS. LORING GUARDIAN TO SELL LANDS.

A PETITION of Joseph Loring of Lexington, Guardian of Hannah Danforth, Praying for Liberty to Sell about twelve Aeres of Land left her by her Grandmother Poulter, lying in Several parcells in said Town and being of little benefit to her as it lyes and much Incumbred with Debt

Read &

*Ordered* that the prayer of the petition be Granted, and that the said Joseph Loring Guardian to the said Hannah Danforth the Minor be & hereby is Impowred to make Sale of the Minors Lands in Lexington within mentioned, for the Most the Same will fetch; & in proceeding herein to Observe the Rules & directions of the Act of the Sixth Year of the Reign of his late Majesty King George Chap 3<sup>d</sup> Relating to the Sale of Real Estates, & to pass & Execute in due

Legislative  
Records of the  
Council, xvi.,  
427.

House Jour-  
nal, pp. 102, 103  
Province  
Laws, ii., 151,  
chap. 10.

form of Law a Good deed or deeds of Sale & Conveyance thereof, & out of the proceeds to discharge the Incumbrance of Debt thereon; provided the pet<sup>r</sup> give Sufficient Caution to the Judge of Probate & for the County of Middlesex for the proceeds of the Sale, after the said Debts are paid & discharged & that the full Residue thereof shall be let out at Interest on Good Security & used and Employed for the use & benefit of the said Minor, or so much thereof as her Occasions shall call for & Require; The principal to be paid her with Interest thereof if any be at the time of her Arrival at lawfull Age or Marriage. [*Passed January 20.*]

## CHAPTER 164.

### ORDER ADJOURNING THE WORCESTER HAMPSHIRE AND ESSEX COUNTY COURTS.

Legislative  
Records of the  
Council, xvi.,  
428.

House Jour-  
nal, p. 123.  
Province  
Laws, ii., 585,  
chap. 8.  
*Ante*, p. 307,  
chap. 106;  
p. 317, chap.  
128.

WHEREAS the Court of General Sessions of the peace & Inferiour Court of Common pleas in the County of Worcester is to be held at Worcester the first Tuesday of February next, and the General Sessions of the peace and Inferiour Court of Common pleas for the County of Hampshire Stands Adjourned to the said First Tuesday in February next, And the General Sessions of the peace and Inferiour Court of Common pleas for the County of Essex stands Adjourned to the said first Tuesday of February next, and it being probable that this Court may be then Sitting, And many of the Members of the General Court being also Members of the Respective Courts aforesaid;

*Ordered* that the said Courts of Worcester Hampshire & Essex be & hereby are Adjourned to the third Tuesday in February next then to be held and kept at Worcester for the County of Worcester at Northampton for the County of Hampshire & at Salem for the County of Essex And all persons concerned are directed to Conform hereunto And that the Sheriffs of the said Several Countys Notify their Countys thereof Accordingly. [*Passed January 21.*]

## CHAPTER 165.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON A LIST OF THE SOLDIERS AT "FALLS FIGHT."

Legislative  
Records of the  
Council, xvi.,  
429. Mass.  
Archives,  
cxiv., 608.

Mass.  
Archives,  
cxiv., 597-608.  
Legislative  
Records of the  
Council, xiv.,  
348. *Ante*,  
p. 55, chap.  
111.

WILLIAM DUDLEY ESQ<sup>r</sup> from the Com<sup>tee</sup> of both Houses for that Affair, Reported a List of the Officers and Soldiers or their Descendants who were in the Falls Fight and Entitled to a Right in the Township Granted to them by this Court

Read and

*Ordered* that this Report be Accepted.<sup>1</sup> [*Passed January 21.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 166.

VOTE IMPOWERING JOHN WELD & OTHERS TO SURVEY AND LAY OUT  
1,206 ACRES OF LAND.

A PETITION of John Weld & others, Descendants of Divers of the Propriet<sup>rs</sup> of that part of the Four thousand Acres of land Granted to the Town of Roxbury which is not yet taken up, Praying that they may have Liberty to lay out their part of the Remainder which is 1,206 Acres in one intire peice to be Confirmed by this Court

Legislative  
Records of the  
Council, xvi.,  
429.

House Jour-  
nal, pp. 64, 65.  
*Ante*, p. 99,  
chap. 216.

Read & the Pet<sup>rs</sup> with a Com<sup>tee</sup> of the Town of Roxbury with their Memorial Against the prayer of the petition & ascertaining the Right of the Town to the within Grant being Admitted into the House were fully heard in their pleas & allegations thereon & withdrew and the same Maturely Considered; The Question was put, whether the prayer of the petition should be Granted? And in Answer thereto.

*Voted* that the pet<sup>rs</sup> be & hereby are Allowed & Impowered by a Survey<sup>r</sup> & two Chain men on Oath to Survey & lay out twelve hundred & Six Acres of the Unappropriated Land of the Province in one Intire peice & adjoining to Some former Grant & Return a plat thereof to this Court within twelve Months for Confirmation. [*Passed January 21.*]

## CHAPTER 167.

ORDER IMPOWERING ELK<sup>A</sup> LEONARD ESQ<sup>R</sup> TO SURVEY AND LAY OUT  
100 ACRES OF LAND.

A PETITION of Elkanah Leonard Esq<sup>r</sup> Setting forth his Services for the Province in the prosecution of divers persons belonging to the Government of Rhode Island for Divers Acts of Violence by them Committed on the Gore of Land in Controversy between the two Governments and praying for a Grant of Province Land in Satisfaction of his said Services

Legislative  
Records of the  
Council, xvi.,  
430.

House Jour-  
nal, p. 125.  
Province  
Laws, xi., 674,  
chap. 59.

Read & in Answer to this petition,

*Ordered* That One hundred Acres of the Unappropriated Lands of the province Adjoining to some Grant or Township be and hereby is Granted to the pet<sup>r</sup> his heirs and assigns forever, And that he be Allowed by a Survey<sup>r</sup> and Chainmen on Oath to Survey and lay out the Same and that he Return a plat thereof to this Court within twelve Months for Confirmation Accordingly. [*Passed January 24.*]

## CHAPTER 168.

ORDER IMPOWERING JN<sup>O</sup> TUTHILL TO SURVEY AND LAY OUT 200  
ACRES OF LAND.

A PETITION of John Tuthill of New Sherburn praying for a Grant of Province Land in Consideration of his Good Services in the County in the late Wars.

Read &

Legislative  
Records of the  
Council, xvi.,  
430.

House Jour-  
nal, pp. 98, 126.

*Ordered* that the pet<sup>r</sup> be Impowred by a Surveyor & Chainmen on Oath to lay out two hundred Acres of the Unappropriated Lands lying between New Sherburn & oxford Sutton & the Colony line & Return

a plat thereof to this Court within Twelve Months for Confirmation to him his heirs & assigns forever, Provided he or they do within five Years from the Confirmation break up, bring to & fit for plowing or Mowing five Acres of the Granted premisses & well Inclose the same and also within the said Term have a Good Dwelling house on the premisses of Eighteen feet Square and Seven feet Stud at the least and have a Family Actually Inhabiting the same. [*Passed January 24.*]

## CHAPTER 169.

### ORDER IMPOWERING THE PROPRIETORS OF NATICK TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
431.

House Jour-  
nal, pp. 24, 125.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of the proprietors of Natick, praying for Liberty from this Court to sell some of their Lands that lye in Common to the Value of one hundred & fifty pounds, the produce thereof to be Applied for the better Encouragment of a school amongst them

Read &

*Ordered* That the prayer of the petition be Granted, and the Indian Proprietors of the Common lands in Natick are hereby Allowed and Impowred to make Sale of One hundred & fifty pounds value of their said Lands for the use aforesaid; And in proceeding in the Sale the Proprietors are directed to Observe the Rules and method prescribed in the Act of this province of the Sixth Year of his late Majesty King George Chap 3<sup>d</sup> Relating to the Sale of Real Estates; and they are also hereby Impowred to pass & Execute in due form of Law a Good Deed or Deeds of Sale and Conveyance to such person or persons as will give most for the said Lands, to the value aforesaid; And Francis Fulham Esq<sup>r</sup> with the Rev<sup>d</sup> M<sup>r</sup> Peabody are hereby desired and Impowred to be aiding and Assisting to the said Indian Proprietors in the Sale, And to see that Justice be done them therein, and they are hereby also directed on the Receipt of the said Sum of One hundred and fifty pounds, to pay the same to the Hon<sup>ble</sup> Adam Winthrop Esq<sup>r</sup> Treasurer to the Society for Indian Affairs, who is also hereby Impowred to let the same out at Interest on good Security; The Bonds to be made payable to the said Treasurer and his Successors in the said Office which Interest is to be paid Annually to such person Yearly to keep School in Natick Until this Court shall take further Order in the premisses. [*Passed January 24.*]

## CHAPTER 170.

VOTE FOR REMOVING THE BLOCK HOUSE AT NORTHFIELD, TO A PLACE ABOVE THE TWO NEW UPPER TOWNS ON THE CONNECTICUT RIVER, AND ERECTING A NEW TRUCK HOUSE NEAR THE BLACK RIVER, AND FURTHER LAYING OUT 2,000 ACRES OF LAND FOR THE USE THEREOF.

Legislative  
Records of the  
Council, xvi.,  
431. Mass.  
Archives,  
cxix., 331.

House Jour-  
nal, p. 123.

*Voted* that when and so soon as there shall be twenty Familys settled in the Two upper Towns lately laid out on Connecticut River and a Corn Mill and Saw Mill in the said Towns or Either of them built and Finished and fitted for Service a New Truck house shall be built above the Town on the West Side of the River and Well finished by a Committee of this Court then to be appointed for the Security and Safe keeping of the Publick Stores for the Indian Truck Trade which shall be removed from the Truck House above Northfield accordingly and Two thousand Acres of the unappropriated Lands of the Province Viz<sup>t</sup> one thousand Acres



on each Side the Great River be and hereby is Seperated and appropriated for Such Publick Uses and Occasions as this Court shal think Proper to Order and appoint and for no other use or Account whatsoever and Cap<sup>t</sup> Joseph Kellogg is hereby desired and impowered to lay out the said Lands in some Convenient Places as the Scituation and Circumstances thereof may admitt and y<sup>t</sup> he Return an Account of his doings herein as soon as he Can Conveniently. [*Passed January 25.*]

## CHAPTER 171.

ORDER IMPOWERING THO<sup>s</sup> FELIX TO SELL LAND.

A PETITION of Thomas Felix of Middleboro Indian praying for Liberty to Sell a peice of Land of between twenty & thirty Acres, lying at assawampsett which is so Encompass'd with Other mens lands that it is of little or no benefit to him the produce thereof to be Applied for his Relief & Settlement in Some other place

Legislative  
Records of the  
Council, xvi.,  
432.

House Jour-  
nal, p. 22.  
Province  
Laws, II., 151,  
chap. 10.

Read & in Answer to this petition

*Ordered* that the prayer of the petition be Granted & that the pet<sup>r</sup> be & hereby is allowed & Impowred to make Sale of the Farm at Assawampset Neck for the most the same will fetch, and to pass and Execute a Good Deed or deeds of Sale and Conveyance in the Law thereof, And in proceeding therein to Observe the Rules & directions of the Law of this province of the Sixth Year of his late Majesty King George Chap. 3<sup>d</sup> Relating to the Sale of Real Estates; And M<sup>r</sup> Oxenbridge Thatcher is hereby desired & Impowred to be Aiding and Assisting to the pet<sup>r</sup> and See he has Justice done him in the Sale of the premisses, and that he take Effectual Care to Invest the produce of the Sale thereof in other Real Estate lying in the Indian plantation of Teticut, & that the same be purchased as Reasonable as may be and paid for out of the proceeds of the Sale aforesaid, Necessary Charges therein being first Deducted : That the said M<sup>r</sup> Thatcher see the pet<sup>r</sup> has a Good deed of the Lands in Teticut and well Executed to the pet<sup>r</sup> in due form of Law in all Respects and that he Report his doings herein to this Court as soon as may be. [*Passed January 25.*]

## CHAPTER 172.

## ORDER IMPOWERING JABEZ OMSTEAD TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Jabez Omstead of Ware River praying for a Grant of Province Land in consideration of his good Services in the late Wars Against the French and Indians and the Wounds he has Received with the Expence he has been at for the Cure of them

Legislative  
Records of the  
Council, xvi.,  
434.

House Jour-  
nal, pp. 97, 98,  
127.

Read & in Answer to this petition,

*Ordered* That two hundred Acres of the Unappropriated Lands of the province be & hereby is given and granted to the pet<sup>r</sup> his heirs and assigns forever; and that he be allowed and Impowred by a Surveyor and Chain men on Oath, to Survey and lay out the Same and to Return a plat thereof to this Court within twelve Months for Confirmation; provided the pet<sup>r</sup> his heirs or assigns on the above Granted premisses build a House of Eighteen feet Square at the least

and Seven feet Stud, break up or bring to English Grass five acres of the Land hereby Granted and fence in the Same within three Years from this day & have a family thereon Residing. [*Passed January 26.*]

## CHAPTER 173.

### ORDER IMPOWERING ISAAC BRADLEY TO SURVEY AND LAY OUT 200 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
434.

House Jour-  
nal, pp. 97, 128.

A PETITION of Isaac Bradley of Haverhill praying for a Grant of province Land in Consideration of his Services and Sufferings in the late Wars with the Indian Enemy

Read &

*Ordered* that two hundred Acres of the Unappropriated Lands of the province Adjoining to Some Township be and hereby are given and Granted to the pet<sup>r</sup> Isaac Bradley his heirs & assigns provided the pet<sup>r</sup> do within three Years from the Confirmation build and finish a House thereon of Eighteen feet Square and Seven feet Stud at the least, and have a family Actually dwelling therein and Plow up bring to & fit for mowing & Tilling Six Acres thereof & that he Survey & lay out by a Survey<sup>r</sup> & Chain men on Oath & Return a plat thereof to this Court within twelve Months for Confirmation. [*Passed January 26.*]

## CHAPTER 174.

### ORDER IMPOWERING PROPRIETORS OF NARAGANSETT TOWN N<sup>o</sup> 6 TO SURVEY AND LAY OUT 400 ACRES OF EQUIVALENT LAND.

Legislative  
Records of the  
Council, xvi.,  
435.

Mass.  
Archives,  
cxiv., 127.  
House Jour-  
nal, p. 126.  
Province  
Laws, xi., 771,  
chap. 159.

A PETITION of Benjamin Prescot Esq<sup>r</sup> & others a Committee for the Proprietors of the Narragansett Township Number Six, praying for an Equivalent of Land for One Thousand Acres of Land Short of their due Quantity which has happened in part by Ruining the Lines of the Narragansett Township Number two;

Read & in Answer to this petition,

*Ordered* that four hundred Acres of the Province Lands, lying on the Northerly Side of the said Narragansett Township Number Six, be and hereby is Granted to the proprietors of the said Township, as an Equivalent for what was taken from them, as within Mentioned; And that the pet<sup>rs</sup> be Allowed & Impowred to Return a plat thereof by a Surveyor & Chainmen on Oath to this Court, within twelve Months for Confirmation. [*Passed January 26.*]

## CHAPTER 175.

### ORDER IMPOWERING MARY BETHUNE AS ADMINISTRATOR TO SELL AN ESTATE.

Legislative  
Records of the  
Council, xvi.,  
435.

House Jour-  
nal, pp. 128, 129.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of M<sup>rs</sup> Mary Bethune Admin<sup>x</sup> of the Estate of George Bethune Esq<sup>r</sup> deceased, praying for Liberty to sell a Warehouse and part of a Wharff in Marblehead, belonging to the said Estate they being in a Ruinous Condition

Read &

*Ordered* That the prayer of the petition be so far Granted, as that

the pet<sup>r</sup> Upon her giving Bond with Sufficient Suretys to the Judge of Probate for the County of Suffolk, for disposing the produce thereof as hereafter mentioned, & upon observing the Rules & directions provided by an Act made in the Sixth Year of King George the first Chap 3<sup>d</sup> be & hereby is Impowred, in her Capacity of Admin<sup>r</sup> to make Sale of the Real Estate of the Deced mentioned in the petition, and to Execute in due form of Law a Deed thereof, to such person or persons as will give most for the same; and that such Deed make a good Title to the purchaser or purchasers, his or their heirs and Assignes forever; The produce of said Real Estate to be disposed of as follows, viz<sup>t</sup> The Improvement or Income of One third part thereof to the pet<sup>r</sup> for the Term of her Natural life, Provided she gives Bond to the said Judge, with Sufficient Suretys, that her Executors or adminors at her decease shall pay back the principal Sum to the Children of the said deceased, or their Legal Represent<sup>a</sup> and the Remainder to and Among the said Deceaseds Children, viz<sup>t</sup> Such of them as are of Age Upon the Receipt thereof, And the portion of such of them as are Minors into the hands of such Guardian or Guardians as the aforesaid Judge shall Appoint for them, and by them to be put out at Interest for their benefit during their Minority; and the principal to be paid them as they Respectively Arrive to Age or are Married and the Widows third part at the Expiration of her Term to be divided To and Among the said Children, or such as shall Legally Represent them, Agreeable to the Law of this province for the Distribution of the Estates of Intestates and the Defence of the aforesaid Judge pursuant thereunto. [*Passed January 26.*]

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## CHAPTER 176.

### VOTE APPOINTING A COMMITTEE TO INQUIRE INTO THE EMISSION OF BILLS OF CREDIT.

IN COUNCIL Whereas from and Since the Year 1702 the Charge of the Government has been defrayed Chiefly by Emissions of Bills of publick Credit, besides which there have been large Emissions by way of Loans to the Several Towns in the province, or to particular persons, for Calling in and discharging of which Emissions Sundry Funds have been laid and Taxes made; an Exact State of which Emissions and Several Sums paid in and discharged, whether by Taxes or as principal or Interest for the Several Loans, seems very Necessary to be laid before this Court wherefore

*Voted* That William Dudley Jacob Wendell Anthony Stoddard & Samuel Welles Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Com<sup>tee</sup> in the Recess of the Court to take this Affair into Consideration, and they are directed to make Strict Inquiry into all Emissions of Bills of publick Credit by this province Since Anno 1702, and of all Bills of Credit put into the Treasurers Hands, and of all sums paid in and the Circumstances of all Sums Outstanding; and that they may do this Work Effectually, they are directed and Impowred to Search any or all the General Courts Books and Files and also all the Books and papers of the late province Treasurer as they shall find Needfull; and they are directed to lay a Report of their doings herein before the Great and General Court at their Sessions in May next any three of the Committee to be a Quorum

In the House of Represent<sup>a</sup> Read & Concurr'd and m<sup>r</sup> Speaker, Elisha Cooke, and William Brattle Esq<sup>r</sup> M<sup>r</sup> Thomas Cushing & Joshua Cheevers<sup>1</sup> Esq<sup>rs</sup> are Joined in the Affair. [*Passed January 28.*]

<sup>1</sup> The House Journal, p. 132, reads, "Ezekiel Cheever."

Legislative  
Records of the  
Council, xvi.,  
436.

House Jour-  
nal, pp. 131, 132.

## CHAPTER 177.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE, IN REGARD TO  
SETTING OFF ESTATES FROM CHARLESTOWN TO THE NORTH WEST  
PRECINCT IN CAMBRIDGE.

Legislative  
Records of the  
Council, xvi.,  
438.

House Jour-  
nal, pp. 34, 88,  
135, 136. *Ante*,  
p. 301, chap. 90.

THE COMMITTEE Appointed Upon the petition of the North West precinct in Cambridge, and Sundry Inhabitants of the Town of Charlestown Met at said precinct (the pet<sup>rs</sup> and others being present) Viewed the Land heard the partys and Considered their Circumstances & Report as follows viz<sup>t</sup> That the Lands and persons in the following boundaries, Exclusive of Henry Gardner Joseph Hartwell, Daniel Reed jun<sup>r</sup> and Samuel Hutchinson and their Lands be set off to be part of the North West precinct in Cambridge to do duty with them, in Supporting the publick Worship, and Enjoying the privileges of the Same viz<sup>t</sup> beginning at the Westerly Side of menotomy River in Charlestown line, Running to Mistick River, thence on the Southerly and Westerly Side of Mistick River & Pond, untill it comes to the South Corner of Symms Farm; And further that Joseph Russell and his land on the East side of Menotomy River, who has been at Equal Charge with his Neighbours in the precinct in building the meeting house be Added to them: all which is humbly Submitted

In the name and by Order of the Committee JOHN JEFFRIES

Read &

*Ordered* that this Report be Accepted. [*Passed January 28.*]

## CHAPTER 178.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION  
OF CONSTANT SOUTHWORTH AND OTHERS TO BE ERECTED INTO A  
PRECINCT.

Legislative  
Records of the  
Council, xvi.,  
439. Mass.  
Archives,  
cxiv., 216.

Mass.  
Archives,  
cxiv., 217.  
House Jour-  
nal, pp. 136, 137.  
*Ante*, p. 309,  
chap. 110.

THE COMMITTEE Appointed on the petition of Constant Southworth & others of the North part of the West precinct in Bridgewater, having Repair'd to the Lands petitioned for to be Erected into a Township, The Towns of Bridgewater and Stoughton being Notified thereof, and having Carefully viewed the Situations and Circumstances of the petitioners, and the Lands petitioned for, as well as the South part of the said West precinct, and having heard all partys therein concerned, with their pleas and Allegations for and Against the prayer of the said petition, and fully considered the same, do Report thereon as follows viz<sup>t</sup>

That all the pet<sup>rs</sup> with their Estates lying within the Lands petitioned for, and to the Northward of the four Mile line, so Called, be freed and Exempt from all ministerial Charge or Tax in Bridgewater or Stoughton, & that such of the pet<sup>rs</sup> as live to the Northward of an East and West line, half a mile to the Northward of Jonathan Packards Corner, and all such as may Settle to the North ward of said line, be Exempted and freed from all poll Taxes for & towards the Support of the Minister, or defreying any Ministerial Charge in the first or third precincts in Bridgewater, for and during the Space or Term of five Years from the first day of March next, and that at the Expiration of the said Term of five Years, all the aforesaid pet<sup>rs</sup> with the Lands petitioned for, half a Mile to the Northward of an East & west line, from the White oak tree at the north-west Corner of Jonathan Packards land be sett of and Constituted a distinct & Seperate Precinct, or parish and be then Invested with the powers

Priviledges & Immunitys, that a precinct or parish are vested with All which is humbly Submitted.

Boston Jan. 27. 1736 In the name & by Order of the Com<sup>tee</sup>

THO<sup>s</sup> BERRY

Read &

*Ordered* that this Report be Accepted. [*Passed January 29.*]

## CHAPTER 179.

RESOLVE THAT THE ACCOMPT OF SHUBAL GOREHAM ESQ<sup>r</sup> SHERIFF, SHOULD BE PAID BY THE COUNTY OF BARNSTABLE.

A MEMORIAL of Shubal Goreham Esq<sup>r</sup> Sheriff of the County of Barnstable praying that this Court would give Orders for the payment of the Charge of the Imprisonment of One John Whampum & his Trial for Murther, he being Acquitted and having no Estate and the Court of Sessions Refusing to pay the said Charge

Legislative  
Records of the  
Council, xvi.,  
442.

House Jour-  
nal, p. 140.

Read &

*Resolved* that the Charge above mentioned ought to be Defreyed by the County of Barnstable, The Accompt thereof to be Examined & allowed by the Court of General Sessions of the peace for said County. [*Passed February 1.*]

## CHAPTER 180.

VOTE SUBSTITUTING COL. ALDEN FOR MR THACHER ON THE COMMITTEE ON THE AFFAIR OF THOMAS FELIX, INDIAN.

Legislative  
Records of the  
Council, xvi.,  
443.

*Ordered* that Col<sup>o</sup> Alden be of the Com<sup>tee</sup> on the petition of Thomas Felix Indian Man of Middlebrô, in the Room of M<sup>r</sup> Thatcher who desires to be Execused from that Service. [*Passed February 2.*]

House Jour-  
nal, p. 143.  
*Ante*, p. 337,  
chap. 171.

## CHAPTER 181.

ORDER FOR ASSEMBLING THE GRANTEES OF GOREHAMS TOWN.

*Voted* That Shubal Goreham Esq<sup>r</sup> be Impoured and directed to Assemble the Grantees of the Township<sup>1</sup> Granted to the Soldiers under the Command of Cap<sup>t</sup> John Goreham in the Canada Expedition in 1690, in such place and at such time as he shall think fit, then to Chuse a Moderator & proprietors Clerk to Agree Upon Rules Methods and Orders for the Division and Disposal of the said Propriety in the Most proper Methods for the Speedy fulfillment of the Conditions of their Grant and Agree Upon Methods for Calling future Meetings. [*Passed February 2.*]

Legislative  
Records of the  
Council, xvi.,  
443.

House Jour-  
nal, p. 143.  
*Ante*, p. 325,  
chap. 146.

<sup>1</sup> This township became Dunbarton, New Hampshire.



## CHAPTER 182.

## ORDER FOR SETTING OFF THE NEW TOWNS TO THE COUNTIES OF HAMPSHIRE, MIDDLESEX &amp; WORCESTER.

Legislative  
Records of the  
Council, xvi.,  
443.

House Jour-  
nal, pp. 141, 142.  
Province  
Laws, xi., 378,  
chap. 229; 714,  
chap. 6; 726,  
chap. 37; 772,  
chap. 160.  
*And*, p. 19,  
chaps. 30, 31;  
p. 238, chap.  
254; p. 239,  
chap. 256;  
p. 247, chap.  
255; p. 254,  
chap. 291;  
p. 277, chaps.  
36, 39; p. 289,  
chap. 66; p. 303,  
chap. 96; p. 305,  
chap. 101;  
p. 306, chap.  
104; p. 307,  
chap. 105;  
p. 315, chap.  
125; p. 325,  
chap. 146.

WHEREAS Several Townships heretofore Granted are now Settling and many Inhabitants are Actually got on Ashewelot River, and on a Township Granted to Josiah Willard Esq<sup>r</sup> and others, lying on or near Connectiutt River, and also other people are Settled on Several Townships on or near Merrimack River, which have not as yet been laid to or declared in what County they lye; And it being Necessary that those people know in what County they be, in Order to have their Title Recorded, the Kings peace preserved, and Common Justice done them as other his Majestys Subjects within this Province WHEREFORE

*Voted* that the said Township Granted to Josiah Willard Commonly Called Arlington, the two Townships on Ashawelet River, the Township Granted to Sylvester and Company, the Several Townships to the Westward of Connectiutt River, the four Townships on the East side and Adjoining to Connectiutt River, and also Number three four, Eight and Nine, in the line of Towns, and the Lands lying and being within the Same shall and hereby are declared to ly within and be Accounted part of the County of Hampshire and that the Several Townships following the Narragansett Towns Called Number three & five the Canada Towns, Granted to Cap<sup>t</sup> King & Comp<sup>a</sup> The Township Granted to Cap<sup>t</sup> Rayment & Comp<sup>a</sup> The Township Granted to the late Cap<sup>t</sup> William Tyng & Company that Granted to John Simpson and others, that Granted to the Inhabitants of Ipswich the Township Granted to Cap<sup>t</sup> Goreham & Comp<sup>a</sup> Canada Soldiers, The Township Granted to the late Cap<sup>t</sup> John Lovewell & Soldiers at Suncook, the Township Granted to M<sup>r</sup> John Coffin and others and Number One, two five Six and Seven in the line of towns shall be and hereby are declared part of and belonging to the County of Middlesex together with the Lands and Farms lying within and Adjoining to any or Either of the said Townships, and that the Canada Township Granted to Cap<sup>t</sup> Withington and Company, and the Township Granted to Cap<sup>t</sup> Tilton and Comp<sup>a</sup>, that were in the Canada Expedition 1690, with the Lands between these Townships and others belonging to Worcester County shall be and hereby are declared to belong to the County of Worcester and be Accounted as part thereof for the future. [*Passed February 2.*]

## CHAPTER 183.

## ORDER IMPOWERING JAMES LEBLOND ADMINISTRATOR TO PROSECUTE AN APPEAL.

Legislative  
Records of the  
Council, xvi.,  
429, 444.

House Jour-  
nal, pp. 122, 123,  
142.

A PETITION of James Leblond Admin<sup>r</sup> of the Estate of his late Partner Henry Guineau deced<sup>d</sup>, praying that he may be Impowred by this Court to prosecute An Appeal from a decree of the Judge of the Probate of Wills &c for the County of Suffolk to the Governour & Council, Referring to the Claims of the Creditors of the said Estate, he having thro<sup>u</sup> his Ignorance of the Law lapsed his time for bringing his Appeal to the Gov<sup>r</sup> & Council

Read, with the Answer of Andrew Faneuil Attorney of Samuel Baker of London for himself, and the Rest of the Creditors of Henry Guineau, and the same being fully Considered

*Ordered* that the prayer of the petition be so far Granted as that the pet<sup>r</sup> be Allowed and Impoured to prosecute the Appeal within mentioned Accordingly ; provided he do it within the Space of One Month from this time. [*Passed February 2.*]

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## CHAPTER 184.

### ORDER IMPOWERING WM GREENLEAFE AND OTHERS TO FILE AN APPEAL.

A PETITION of William Greenleaf, and William Clear, and Bethiah his wife, praying Liberty to file their Reasons of Appeal from a Judgment Obtained Against them at the Inferiour Court of Common pleas held at Charlestown for the County of Middlesex in December last, on their writ of Ejectment, brought Against Col<sup>o</sup> Joseph Varnum of Dracutt, their Attorney being hindred by bad Weather from filing their Reasons in Season

Read &

*Ordered* that the prayer of the petition be Granted and the Justices of the Superiour Court of Judicature to be held at Charlestown by Adjournment on the first Tuesday of March next are Impowed and directed Upon the pet<sup>rs</sup> filing Reasons of Appeal within mentioned, in the Clerks office of the Court Appealed from, & Notify the Adverse party thereof, at least fourteen days before the Sitting of said Court by Adjournment as aforesaid, to hear and Determine the said Appeal Accordingly. [*Passed February 2.*]

Legislative  
Records of the  
Council, xvi.,  
444.

House Jour-  
nal, p. 144.

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## CHAPTER 185.

### ORDER GRANTING BENJ<sup>A</sup> PEMBERTON LEAVE TO CONTINUE AN ACTION.

A PETITION of Benjamin Pemberton of Boston Esq<sup>r</sup> Shewing that he took out his writ of Review from the Clerks office of the Superiour Court of an Action of Defamation, brought Agains<sup>t</sup> him by John Pierpont of Roxbury, but the Said Pierpont, who has Served his Writ of Review of the same Action against the pet<sup>r</sup> conceals himself, so that he cannot be Served with the pet<sup>rs</sup> writ And therefore praying that a Service on the said Pierponts Attorney may be Allowed to be Suffieient or that the pet<sup>r</sup> may be otherwise Relieved

Read, and it Appearing that the Adverse party had been Served with a Copy of the Petition, but no Answer given in and the matter being fully considered ;

*Ordered* that the prayer of the petition be so far Granted as that his Majestys Justices of the Superiour Court of Judicature to be holden at Boston in and for the County of Suffolk on the Second Tuesday of February Instant, be and hereby are directed to Continue the Action within Mentioned, Untill the next Term that so the pet<sup>r</sup> may have an Oppertunity if he sees Cause to bring forward his writ of Review at the same time. [*Passed February 2.*]

Legislative  
Records of the  
Council, xvi.,  
440, 445.

House Jour-  
nal, pp. 134, 144.

## CHAPTER 186.

Legislative  
Records of the  
Council, xvi.,  
146.

Legislative  
Records of the  
Council, xvi.,  
145. Execut-  
tive Records of  
the Council, x.,  
107, 109, 110, 117,  
130, 131, 136.  
House Jour-  
nal, p. 146.

VOTE REQUESTING THE GOVERNOR TO CONTINUE THE SOLDIERS IN THE FORTS AND GARRISONS TO MAY 20. 1737, AND ALLOWING PAY ACCORDINGLY.

*Voted* that his Excellency the Governour be desired to Continue in the publick Service the Officers and Soldiers in the present pay of the Government in the Respective Forts and Garrisons and in the province Untill the twentieth day of May next and that pay and Substantice be allowed them to that time Accordingly.<sup>1</sup> [*Passed \* February 3.*]

## CHAPTER 187.

ORDER ALLOWING £416. 13. 4 TO THE JUDGES.

Legislative  
Records of the  
Council, xvi.,  
446.

House Jour-  
nal, p. 137.

*Ordered* that the sum of Four hundred and Sixteen pounds thirteen shillings and four pence of the New projected Bills of Credit be Granted and allowed to be paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of his Majestys Superiour Court of Judicature Court of Assize and General Goal delivery for their Service the Year past which ended the first day of January last past. [*Passed February 3.*]

## CHAPTER 188.

ORDER ALLOWING £50 TO THE SECRETARY.

Legislative  
Records of the  
Council, xvi.,  
446.

House Jour-  
nal, p. 137.  
*Infra*, chap.  
189.

*Ordered* that the sum of Fifty pounds of the New projected Bills of Credit be Granted and allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Sec<sup>ry</sup> of this province in full for his Service the Year past to the third of December last. [*Passed February 3.*]

## CHAPTER 189.

ORDER ALLOWING £33. 6. 8 ADDITIONAL TO THE SECRETARY.

Legislative  
Records of the  
Council, xvi.,  
446.

House Jour-  
nal, p. 137.  
*Supra*, chap.  
188.

*Ordered* that the sum of Thirty three pounds Six shillings and Eight pence of the New projected Bills be Granted and Allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &c in Consideration of his Extraordinary Services. [*Passed February 3.*]

<sup>1</sup> No signature of the Governor to this vote, naturally, appears of record, but the troops were continued in the service and payment was made to them accordingly. See Executive Records of the Council, as cited in the margin. The record lies in the borderland of legislation and executive authority.

## CHAPTER 190.

ORDER ALLOWING £100 AND A FURTHER SUM OF £20 TO THE LATE TREASURER, JEREMIAH ALLEN.

*Ordered* That the Sum of One hundred pounds of the New projected Bills &c be Granted and Allowed to be paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> late Treasurer of this Province in full for his Service in the Year past which ended the first of June last, That the further sum of Twenty pounds of the said New projected Bills be Granted and Allowed to be paid out of the publick Treasury to the said Jeremiah Allen Esq<sup>r</sup> in full Consideration of his Services in the Treasury the last half year Ending the first of June last. [*Passed February 3.*]

Legislative Records of the Council, xvi., 446.

House Journal, pp. 137, 138.

## CHAPTER 191.

ORDER ALLOWING 1/4 PER DIEM TO THE SPEAKER.

*Ordered* that there be Granted & Allowed to be paid out of the publick Treasury in the New projected Bills after the Rate of One shilling and four pence  $\frac{1}{4}$  diem to the Hon<sup>ble</sup> John Quincey Esq<sup>r</sup> Speaker of the House for every day of his Attendance in the General Court from the Opening the Session in May last being the 26. day of said Month to the Dissolution of this Assembly Upon Certificate from the Clerk of the House in consideration of his Constant Attendance in dispatching the publick Affairs of the Province. [*Passed February 3.*]

Legislative Records of the Council, xvi., 447.

House Journal, p. 138.

## CHAPTER 192.

ORDER ALLOWING £120 TO THE PRESIDENT OF HARVARD COLLEGE.

*Ordered* That the sum of One hundred and Twenty pounds of the New projected Bills be Granted and Allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Benjamin Wadsworth President of Harvard College for his Service in that affair for One Year, Ending in June next the money to be paid him Quarterly. [*Passed February 3.*]

Legislative Records of the Council, xvi., 447.

House Journal, p. 138.

## CHAPTER 193.

ORDER ALLOWING £53. 6. 8 TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of Fifty three pounds Six shillings and Eight pence in the New projected Bills be Granted and Allowed to be paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House in full for his Service to the next May. [*Passed February 3.*]

Legislative Records of the Council, xvi., 447.

House Journal, p. 138.

## CHAPTER 194.

ORDER ALLOWING £16. 13. 4 TO DOCT<sup>r</sup> WIGGLESWORTH.Legislative  
Records of the  
Council, xvi.,  
447.House Jour-  
nal, p. 138.

*Ordered* That the sum of Sixteen pounds thirteen shillings and four pence of the New projected Bills be Granted and Allowed to be paid out of the publick Treasury to Doct<sup>r</sup> Edw<sup>d</sup> Wigglesworth Hollisian professor of Divinity at Harvard College in Cambridge as a Gratuity in consideration of his faithfull discharge of that great and Important Trust Reposed in him & for his further Encouragement therein. [*Passed February 3.*]

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## CHAPTER 195.

ORDER ALLOWING £13. 6. 8 TO THE CHAPLAINS OF THE COURT.

Legislative  
Records of the  
Council, xvi.,  
447.House Jour-  
nal, p. 138.

*Ordered* that the sum of Thirteen pounds Six shillings and Eight pence of the New projected Bills be Granted and Allowed to be paid out of the publick Treasury viz<sup>t</sup> Six pounds thirteen shillings and four pence thereof to the Rev<sup>d</sup> Chaplain of the Hon<sup>ble</sup> Board the Year Currant, & Six pounds thirteen shillings & four pence the other half thereof to the Rev<sup>d</sup> M<sup>r</sup> Sam<sup>l</sup> Checkley the Chaplain of the house for his Service the Year Currant. [*Passed February 3.*]

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## CHAPTER 196.

ORDER ALLOWING £46. 13. 4 TO THE DOORKEEPER.

Legislative  
Records of the  
Council, xvi.,  
447.House Jour-  
nal, p. 138.

*Ordered* that the sum of Forty Six pounds Thirteen shillings and four pence be Granted and Allowed to be paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Doorkeeper to his Excellency the Gov<sup>r</sup> and this Court in full for his Service for the Year Currant which will determine the thirteenth day of February next. [*Passed February 3.*]

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## CHAPTER 197.

ORDER ALLOWING £20 TO JOSIAH WILLARD, SECRETARY.

Legislative  
Records of the  
Council, xvi.,  
448.House Jour-  
nal, pp. 33, 139.

A MEMORIAL of Josiah Willard Esq<sup>r</sup> Secretary of the province Setting forth that for many months he hath by Sickness been taken off from the Writing Work in his Office much to his Loss and Expence besides the Charge of his Sickness and therefore praying that some provision may be made for his Assistance and Relief

Read &amp;

*Ordered* that Twenty pounds of the New projected Bills be Granted and Allowed to be paid out of the publick Treasury to M<sup>r</sup> Secretary Willard for his Relief and Assistance in consideration of his broken State of health for Some time past which Still Continues. [*Passed February 3.*]



## CHAPTER 198.

## ORDER ALLOWING £150 NEW TENOR TO THE COMTEE FOR THE LIGHT HOUSE.

A MEMORIAL of William Dudley Samuel Welles and Thomas Tilestone Esq<sup>rs</sup>, Setting forth that According to the Orders of this Court they had Completed the Repairs of the Lighthouse; Dwelling house and wharff at Bacon Island, And have built a new and very Commodious wharff there.

Read and

*Ordered* that the sum of One hundred and Fifty pounds of Bills of the New Tenor be Granted and allowed to be paid out of the publick Treasury to the Memorialists the Comtee for Effecting the Repairs of the Light house &c in full for Satisfaction of their Services. [*Passed February 3.*]

Legislative  
Records of the  
Council, xvi.,  
448.

House Jour-  
nal, pp. 140, 143.  
*Ante*, p. 194,  
chap. 162.

## CHAPTER 199.

## ORDER ALLOWING £600 TO THE COMMITTEE FOR REPAIRS AT CASTLE WILLIAM.

*Ordered* that the sum of Six hundred pounds of the New projected Bills of Credit be Granted and Allowed to be paid out of the publick Treasury to the Committee for the Effecting the Repairs &c at his Majestys Castle William to Enable them to defray the Charges Arisen in Erecting a New Battery there for which the said Committee are Accountable. [*Passed\* February 3.*]

Legislative  
Records of the  
Council, xvi.,  
448.

Legislative  
Records of the  
Council, xvi.,  
332, 333, 347 *bis*.  
Executive  
Records of the  
Council, x., 73.  
House Jour-  
nal, pp. 42, 67,  
71 (June);  
p. 146. *Ante*,  
p. 109, chap.  
239.

## CHAPTER 200.

ORDER ALLOWING £66. 13. 4 TO CAPT BENJ<sup>A</sup> LARRABEE.

A PETITION of Benjamin Larrabee Commander of his Majestys Fort George at Brunswick, praying the Court to Allow and Reimburse him the sum of Three hundred and Twenty three pounds Nine Shillings & two pence, laid out in Rebuilding a dwelling house for the Soldiers Accomodation in the said Fort in the Room of that which was burnt down

Read & the pet<sup>r</sup> being Admitted into the House was heard in Support of his petition and withdrew and the Matter being Considered In answer to the petition

*Voted* that the sum of Sixty Six pounds thirteen shillings & four pence be Granted and Allowed to be paid out of the Publick Treasury in the Bills of the New Tenor to the pet<sup>r</sup> in consideration of the Charge arisen in Rebuilding the House within mentioned. [*Passed February 3.*]

Legislative  
Records of the  
Council, xvi.,  
448.

House Jour-  
nal, p. 130.  
*Ante*, p. 222,  
chap. 221.

## CHAPTER 201.

ORDER CONFIRMING A PLAT OF 1,680 ACRES OF LAND TO CAPT TYNG & C<sup>O</sup>.

Legislative  
Records of the  
Council, xvi.,  
449. Mass.  
Archives,  
cxiv., 152.

House Jour-  
nal, p. 111.  
*Ante*, p. 251,  
chap. 291.

A PLAT of One Thousand Six hundred and Eighty Acres of Land laid out on Piscataquoag River by Samuel Cummins Survey<sup>r</sup> and Chainmen on Oath to fulfill a Grant made to the Grantees of the Township commonly called Tyngs Township

Read and

*Ordered* That the plat be Accepted, and the Lands Therein delineated and described be and hereby are confirmed to the Grantees or proprietors of the township Commonly called Tyng's township, and their heirs & Assigns respectively for Ever, provided the plat with the Island contain no more than one thousand six hundred and Eighty Acres in the whole, and does not interfere with any former Grant. [*Passed February 3.*]

## CHAPTER 202.

Legislative  
Records of the  
Council, xvi.,  
450. Mass.  
Archives, ci.,  
553.

Mass.  
Archives, ci.,  
552. House  
Journal, p. 146.  
*Ante*, p. 311,  
chap. 115.

ORDER THAT ANY SEVEN OF THE COMMITTEE ON THE LATE TREAS<sup>RS</sup> ACC<sup>TS</sup> SHALL CONSTITUTE A QUORUM.

*Ordered* that any Seven of the Committee Appointed in Decemb<sup>r</sup> last to receive the Money Books and Papers &c of the late Treasurer Allen be a Quorum to Act fully therein to all Intents & Purposes. [*Passed February 3.*]

## CHAPTER 203.

## ORDER IMPOWERING JOHN TYLER AND OTHERS SOLDIERS UNDER CAPT MARCH TO SURVEY AND LAY OUT TWO TOWNSHIPS.

Legislative  
Records of the  
Council, xvi.,  
450. Mass.  
Archives,  
cxiv., 177.

House Jour-  
nal, p. 175  
(April, 1735);  
p. 73 (June,  
1735); pp. 38,  
147.

A PETITION of John Tyler Joseph Pike and many others that were Either Officers and Soldiers in the Canada Expedition Anno 1690, or the Descendants of such of them as are deceased, praying for a Grant of Some of the Unappropriated Lands of the Province for a Township, in consideration of their Services aforesaid as well as for their Service in the late Indian Wars

Read and

*Ordered* that this Petition be Revived and

*Voted* that two Tracts of the unappropriated Lands of this Province of the Contents of Six miles Square each be and hereby are Granted to the Petitioners the officers and [Sold]<sup>1</sup>iers of the Companys under the Late Cap<sup>t</sup> John March Cap<sup>t</sup> Stephen Greenleaf & Cap<sup>t</sup> Philip Nelson Deceased. Anno: 1690 there Heirs and assigns respectively and the Heirs Legall Representatives Dependants of Such of them as are Deceased and there Heirs and assigns forever for two Townships to lay in Some Sutable Place that the Grantees be and are obliged to bring forward the Settlement of the Said Townships in as Regular a manner as the Scituation and Circumstances of Said Township will admit of in the following manner Viz<sup>t</sup> That each Grantee his Heirs and Assigns

<sup>1</sup> MS. mutilated.

build an House on his Respective Lot or Share of the Contents of Eighteen feet square and Seven Stud at the Least and Plow or bring to Grass fit for mowing Six acres of Land and that they Settle in each Town a Learned and orthodox minister and build a Convenient meeting House for the Publick worship of God and that a Sixty third part of the Said Township be and hereby is Granted to the first Settled minister the like quantity for the use of the ministry and the like quantity for the use of the School in all the Divisions of the Said Townships that the Grantees be and hereby are obliged to Give Bond of twenty Pounds for the fulfillment of the Conditions aforesaid within five Years after the Return and Confirmation of the Plan of Said Township and that Cap<sup>t</sup> John Hobson and Maj<sup>r</sup> Charles Peirce be a Committee with Such as the Honourable Board shall Joyn to lay out Said Townships and Return Plots thereof within one year for Confirmation and the Said Committee to observe Such Rules and Directions for the taking of Bond and admission of the Grantees agreeable to the ord<sup>r</sup> of Court in march Last and Said Committee to Receive thirty three pounds Six Shillings and Eight pence of the New Projected Bills Viz<sup>t</sup> Sixteen pounds thirteen Shillings and four pence for Each of the Said Townships out of the Publick Treasurer<sup>1</sup> to enable them to Lay out Said Townships

In Council Read and Concurred and Thomas Berry Esq<sup>r</sup> is Joyned in the affair. [*Passed February 3.*]

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## CHAPTER 204.

ORDER IMPOWERING PELEG WISWALL TO SURVEY AND LAY OUT 300 ACRES OF LAND.

A PETITION of Peleg Wiswall of Boston Gent<sup>n</sup> Praying for a Grant of province Land in Consideration of the Services and Sufferings of his father the Rev<sup>d</sup> M<sup>r</sup> Ichabod Wiswall deced in the Cause of this Province

Legislative  
Records of the  
Council, xvi.,  
454. Mass.  
Archives,  
lviii., 411.

Read and the Matter being fully Debated and Considered in answer to the Petition,

Mass.  
Archives,  
lviii., 409.  
House Jour-  
nal, pp. 130, 132,  
143.

*Voted* that three hundred Acres of the unappropriated Lands of the Province Adjoining to Some former Grant be and hereby are given & Granted to the Heirs of the within Named M<sup>r</sup> Ichabod Wiswall Deceased, his heirs and Assigns and y<sup>t</sup> they be allowed and impowered by a Surveyor & Chain Men on Oath to Survey and lay out the Same and return a Platt thereof to this Court within Twelve Months for Confirmation Accordingly. [*Passed February 3.*]<sup>2</sup>

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## CHAPTER 205.

VOTE REFERRING TO SETTLEM<sup>t</sup> OF NARR<sup>d</sup> TOWN N<sup>o</sup> 5.

WHEREAS the proprietors or present possessors of the Narragansett Township, Called Number five, have voted & Agreed that the Several lotts, being One hundred and twenty in the Whole, besides publick Lots, shall pay Sixty of them, each five pounds and the other Sixty Lots be Settled with a Family & built upon and brought to as Directed in the

Legislative  
Records of the  
Council, xvi.,  
451.  
House Jour-  
nal, p. 149.  
Province

<sup>1</sup> MS. mutilated.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 4.

Laws, xi., 772,  
chap. 160.

Grant from the General Court, the Lots being all Numbred and those which are to pay five pounds to be Distinguished from those which are to be Settled in the following manner, viz<sup>t</sup> Lot Number One to pay Five pounds Number two to Settle Number three to pay five pounds Number four to Settle And so Alternatly in the same Order to pay five pounds or to Settle thro the whole Number of Lots being One hundred and twenty besides Publick Lots And whereas Sundry Charges have already arisen and must Necessarily further Arise; to procure which Sums, as well as to Oblige the Settlers to Comply and the five pound lots to pay their Several Sums the Authority of this Court is thought Necessary Wherefore It is

*Resolved* and

*Ordered* That the proprietors of the said Lots whether Setlers or those who are Ordered to pay five pounds each do Settle and pay Respectively According to the said Vote; the five pounds to be paid into the hands of the Treasurer Already Appointed by the Proprietors for that purpose, and by him to be paid to the Settlers each five pounds; And in Case the Settlers fail in Settling According to the Courts Grant and Votes of the proprietors then the proprietors at a meeting Regularly Assembled shall and may dispose of said Right or Rights to any other or others that will Settle, And whereas Sundry proprietors Neglect to draw their Lots and pay their proportion of Charges the Committee of said proprietors shall have power to sell their Lands for defreying the Charge Arisen or that may Arise Attending the Methods in the Disposition of the Lands to be Observed in Gathering Rates & Taxes Levied by Order of this Court on Unimproved Lands. [*Passed February 4.*]

## CHAPTER 206.

VOTE GRANTING LAND TO JAMES PATERSON AND OTHERS AND TO NARRAGANSETT TOWN NUMBER FOUR AND ESTABLISHING A TOWN WEST OF HATFIELD.

Legislative  
Records of the  
Council, xvi.,  
452.

House Jour-  
nal, pp. 33, 36,  
93, 111, 112, 148.  
*Ante*, p. 187,  
chap. 144.

In the House of Represent<sup>a</sup>

*Resolved* That twelve hundred Acres of Land (part of that Tract lying between Lambstown on the East Swift River & the Equivalent land on the West Salem town on the North and M<sup>r</sup> Reeds land on the South) be and hereby is Granted to James Patterson, Robert Tentin, Edmond Taylor, James Wheeler, John Patterson, Andrew Farr, and Tho<sup>s</sup> Powers, Arthur Cary, Robert Evans, Job Carlile . . . Thorp, . . . Holden; viz<sup>t</sup> to each of them One hundred Acres Fifty Acres thereof to each of them to be a House lot, and laid out by a Com<sup>tee</sup> to be Appointed by this Court, in a Regular Form, so as to Include their Respective Improvements the Remaining Fifty Acres to be laid out to them Indifferently with others in after divisions; All to be on consideration that they Severally dwell thereon with their Familys four Years from this time, and each of them put ten Acres Under good Improvement, Otherwise the land of those that fail shall Revert to the province, the Charges to be paid by the Grantees, As also that there be laid out a lot of Land of three hundred Acres for the first Settled Minister, Another for the Second minister, and Another for the School; and that the Remaining part of the Land above Described is hereby confirmed to the proprietors of the Narragansett Town Number four, in part to Satisfye a Grant of a Township made to them; provided they do within the time Granted<sup>1</sup> in the Grant Settle Forty Familys

<sup>1</sup> The House Journal, p. 112, reads, "limited."



on said Tract, and perform the other Conditions of their Grant, and that the whole of said Tract be Carefully Surveyed by a Surveyor and Chain men on Oath, by direction of the Com<sup>tee</sup> to be Appointed as aforesaid; the Charge thereof to be paid by the proprietors in General; and that a Township of the Contents of Six Miles Square be laid out West of Hatfield and Adjoining thereto; And that so much thereof be Confirmed to the proprietors of the Narraganset Town Number four, as shall be together with what is found to be Contained in the above described Land, over and above the twelve hundred Acres Specially Granted, as shall make up and Compleat the Contents of Six Miles Square, formerly Granted to them; Provided they shall Settle Twenty familys in said Township, within the time limited in their said Grant, and perform the other Conditions Enjoyed them; and that a Com<sup>tee</sup> to be Appointed, as aforesaid, be Authorized and Impowred to Admit Forty other Settlers in said Township, first giving preference to John Polter, Jonathan Tarbox, Joseph Breden, John Newhall, John Delaway, Joseph Collings, Daniel Johnson, Samuel Newhall, & to One of the heirs of each of the following persons, William Wormwood, Zach<sup>h</sup> Marsh, John Driver, Henry Trivet, John Page, and Bartholomew Flagg; And that the said Com<sup>tee</sup> Admit so many of the Officers and Soldiers of the Company under Cap<sup>t</sup> Thomas Andrews deced, whose names are hereunto Annexed, or so many of them as shall Appear to bring forward the Settlement of said land, and Who shall give Bond in twenty pounds to the Province Treasurer, to fulfill the Terms of the Grant, and that Eight pounds Six shillings & Eight pence of the New projected Bills be Allowed and paid out of the publick Treasury to the said Com<sup>tee</sup> to defrey one half of the Charge in laying out the Township; The Com<sup>tee</sup> are hereby directed to lay out a lot for the first Settled Minister, another for the Ministry and Another for the School, The Rest of the land (besides what is hereby confirmed to the Narragansett Soldiers) to be Equally divided to the other forty Settlers; provided each of them shall within two Years from this time build and finish a house of Eighteen feet square & Seven feet Stud, And he or one of his Descendants shall Continue to dwell there two Years from the building such house and bring to & put under good Improvement, ten Acres of said land, within the Space of four years from this time, and give a Bond of twenty pounds for the performance of the above Conditions; which Bond shall be taken by the said Com<sup>tee</sup> and made payable to the province Treasurer; Provided also that the Settlers shall build a Suitable Meeting house and Settle a Learned Orthodox Minister Amongst them, within the Space of five Years from this time, and John Cushing Esq<sup>r</sup> & Cap<sup>t</sup> Adam Cushing with Such as shall be Joined by the Hon<sup>bl</sup> Board, be the Com<sup>tee</sup> fully Authorized and Impowred to Effect and See performed the aforementioned Services to all Intents and purposes Accordingly.

In Council Read and Concurr'd and Samuel Thaxter Esq<sup>r</sup> is Joined in the Affair. [*Passed February 4.*]

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## CHAPTER 207.

### ORDER ALLOWING £266. 13. 4 TO THE AGENT.

*Ordered* That the sum of Two hundred and Sixty Six pounds thirteen shilling and four pence of the New projected Bills be Granted and Allowed to be paid out of the publick Treasury to Francis Wilks Esq<sup>r</sup> or his Attorney, in full for his Service the last year in the Agency of this Province. [*Passed February 4.*]

Legislative  
Records of the  
Council, xvi.,  
454.

House Jour-  
nal, p. 148.



## CHAPTER 208.

VOTE ALLOWING 40/ PER ANNUM FOR FIVE YEARS TO JOHN HOBBS.

Legislative  
Records of the  
Council, xvi.,  
454.

House Jour-  
nal, p. 133.

WHEREAS it Appears that John Hobbs of Ipswich is become a Cripple by hard Services and Sufferings in the late Indian Wars, and thereby Rendred incapable of Labouring for his Support;

*Voted* That a Stipend of Forty Shillings *p* annum of the New projected Bills of this Province of the New form be and hereby is Granted and allowed to be paid out of the publick Treasury to the said John Hobbs for and during the Space of five Years to Commence from the last day of May last past for his Relief and Support. [*Passed February 4.*]

## CHAPTER 209.

VOTE APPOINTING A COMMITTEE TO BUILD A HOSPITAL ON RAINSFORD ISLAND.

Legislative  
Records of the  
Council, xvi.,  
454. Mass.  
Archives,  
lxxxvii., 275.

Legislative  
Records of the  
Council, xvi.,  
383. House  
Journal, p. 148.  
Province  
Laws, ii., 983.  
*Ante*, p. 265,  
chap. 79.

In the House of Representatives

*Voted* y<sup>t</sup> M<sup>r</sup> Speaker and M<sup>r</sup> Cooke w<sup>th</sup> such as shall be joined by the Hon<sup>ble</sup> Board be a Committee to Build a Suitable & Convenient House on Rainsford Island lying between Long Island and the Main Land near the Town of Hull to be used and improved as a Publick Hospital for the Reception and Accomodation of Such sick or Infectious Persons as shall be Sent there by Order

In Council Read and Concurred and W<sup>m</sup> Dudley and Samuel Welles Esq<sup>rs</sup> are Joyned in the affair. [*Passed February 4.*]

## CHAPTER 210.

ORDER ALLOWING £13. 15. 5 TO THE COMMITTEE ON THE WRENTHAM &amp; BELLINGHAM AFFAIR.

Legislative  
Records of the  
Council, xvi.,  
454.

House Jour-  
nal, p. 149.  
*Ante*, p. 216,  
chap. 209.

*Ordered* That the Towns of Wrentham & Bellingham be & hereby are directed to pay the sum of Thirteen pounds fifteen shillings & five pence in equal parts to Edmond Quincey Esq<sup>r</sup> to be by him paid to whom it is due to discharge the Account of the Committee for Settling the lines between 'em. [*Passed February 4.*]

## CHAPTER 211.

ORDER ABOUT THE INDIAN TRADE.

Legislative  
Records of the  
Council, xvi.,  
455. Mass.  
Archives, ci.,  
552.

House Jour-  
nal, pp. 147, 148.  
*Ante*, p. 311,  
chap. 115.

ON A VOTE for a Com<sup>tee</sup> to Settle the Affairs of the Treasury [*ante*, p. 311, chap. 115]

Forasmuch as it is Probable that the Committee within Named will not have Time to finish the affair within Mentioned during the Present Session

*Ordered* that they be impowered to proceed thereon during the Recess of the Court if Need be & Make Report at the Next Sitting of this Court

*Ordered* that any Seven of the Committee Appointed in Decemb<sup>r</sup> last to receive the Money Books and Papers &c of the late Treasurer Allen be a Quorum to Act fully therein to all Intents & Purposes

*Ordered* that the Committee within Mentioned be and hereby are further Authorized and impowered to make Inquiry into and Examine the State and Circumstance of the Indian Truck Trade and Report the full State and Circumstance thereof in all Respects to this Court when they Report on the Business first Committeed to them in the afore-going Vote. [*Passed February 4.*]

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## CHAPTER 212.

### ORDER APPOINTING A COMMITTEE FOR SIGNING THE NEW PROJECTED BILLS OF CREDIT.

A MESSAGE was sent up from the House to Inform the Board, that they propose, That Six persons should be Chosen by the Joint Ballots of both Houses, as Signers of the New projected Bills, and that the House desire the Board to Join with them therein To which the Board Agreed

And the Election being proceeded to the following persons were Chosen Accordingly by the Major Vote of the Council and House of Represent<sup>a</sup> to be a Com<sup>tee</sup> for Signing the New projected Bills of Credit viz<sup>t</sup> Elisha Cooke, William Dudley, John Jeffries, Josiah Willard, John Quincey, and John Wainwright Esq<sup>rs</sup> and a Certificate of the said Election being laid before the Governour by the Deputy Secretary His Excellency wrote thereon as follows viz<sup>t</sup> I Consent to the above Elections, Excepting that of Elisha Cooke Esq<sup>r</sup> J. BELCHER.  
[*Passed February 4.*]

Legislative  
Records of the  
Council, xvi.,  
455.

Legislative  
Records of the  
Council, xvi.,  
451. House  
Journal,  
pp. 150, 151.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1737-38.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1737-38.

HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

SIMON FROST, Esq.,  
DEPUTY SECRETARY.

## COUNCILLORS OR ASSISTANTS.<sup>2</sup>

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

THOMAS HUTCHINSON	}	ESQRS.
EDMUND QUINCEY		
SAMUEL THAXTER		
JOHN TURNER		
JOHN STODDARD		
WILLIAM DUDLEY		
JONATHAN REMINGTON		
JOHN OSBORNE		
EBENEZER BURRILL		

FRANCIS FOXCROFT	}	ESQRS.
JOSIAH WILLARD		
JACOB WENDELL		
ANTHONY STODDARD		
SAMUEL WELLES		
THOMAS BERRY		
JOSEPH WILDER		
BENJAMIN LYNDE, JR.		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

MELATIAH BOURN	}	ESQRS.
SETH WILLIAMS		

JOHN CUSHING	}	ESQRS.
NATHANIEL HUBBARD		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

WILLIAM PEPPERIL, SAMUEL CAME & JEREMIAH MOULTON, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN JEFFRIES, Esq.

<sup>1</sup> See Legislative Records of the Council, xvi., 459-462.

<sup>2</sup> Paul Dudley of Massachusetts Bay, elected by the House of Representatives, was rejected by the Governor.

*For the Province, at large:—*

RICHARD BILL &amp; DANIEL RUSSELL, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 25, 1737 to April 21, 1738.*

MR. JOHN QUINCEY, SPEAKER.

## COUNTY OF SUFFOLK.

<i>Boston</i> , . . .	Elisha Cooke, Esq.,
	Mr. Thomas Cushing, Jr.,
	Mr. Timothy Prout,
	Mr. Thomas Hutchinson, Jr.
<i>Roxbury</i> , . . .	Mr. John Sumner.
<i>Dorchester</i> , . . .	Mr. Benjamin Bird.
<i>Milton</i> , . . .	Capt. John Gulliver.
<i>Brantry</i> , . . .	John Quincey, Esq.
<i>Weymouth</i> , . . .	Capt. Adam Cushing.
<i>Hingham</i> , . . .	Mr. Jacob Cushing.
<i>Dedham</i> , . . .	John Metcalf, Esq.
<i>Mattfield</i> , . . .	Mr. John Barber.
<i>Wrentham</i> , . . .	Mr. Timothy Metcalf.
<i>Brooklyn</i> , . . .	Samuel White, Esq.
<i>Needham</i> , . . .	John Fisher, Esq.
<i>Stoughton</i> , . . .	Moses Gill.
<i>Medway</i> , . . .	Mr. Samuel Metcalf.

## COUNTY OF ESSEX.

<i>Salem</i> , . . .	John Wolcot, Esq.,
	Benjamin Brown, Esq.
<i>Ipswich</i> , . . .	John Wainwright, Esq.,
	Mr. Thomas Norton.
<i>Newbury</i> , . . .	Henry Rolfe, Esq.,
	Mr. Cutting Moodey.
<i>Marblehead</i> , . . .	Mr. James Skinner.
<i>Lynn</i> , . . .	Capt. William Collins.
<i>Rowley</i> , . . .	Capt. John Hobson.
<i>Glocester</i> , . . .	Joseph Allen, Esq.
<i>Salisbury</i> , . . .	Mr. Isaac Morrill.
<i>Haverhill</i> , . . .	Mr. Nathaniel Peasley.
<i>Andover</i> , . . .	Capt. Timothy Johnson.
<i>Beverly</i> , . . .	Capt. Henry Herrick.
<i>Topsfield</i> , . . .	Mr. Nathaniel Boardman.
<i>Wenham</i> , . . .	Mr. William Fairfield.
<i>Bradford</i> , . . .	Thomas Kymball, Esq.
<i>Boxford</i> , . . .	Mr. John Symonds.
<i>Amesbury</i> , . . .	Mr. John Blaisdell.

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . . .	Samuel Danforth, Esq.
<i>Charlestown</i> , . . .	Mr. Samuel Webb,
	Ezekiel Cheever, Esq.

COUNTY OF MIDDLESEX—*Concluded.*

<i>Watertown</i> , . . .	Nathaniel Harris, Esq.
<i>Concord</i> , . . .	James Minott, Esq.
<i>Newton</i> , . . .	John Greenwood, Esq.
<i>Sudbury</i> , . . .	Mr. Edward Sherman.
<i>Marlboro'</i> , . . .	Mr. Ebenezer Witt.
<i>Groton</i> , . . .	Benjamin Prescott, Esq.
<i>Frammingham</i> , . . .	Joseph Buckminster, Esq.
<i>Chelmsford</i> , . . .	Mr. Benjamin Adams.
<i>Billerica</i> , . . .	Benjamin Thompson, Esq.
<i>Woburn</i> , . . .	Mr. Rowland Cotton.
<i>Reading</i> , . . .	Kendall Parker, Esq.
<i>Malden</i> , . . .	Mr. Jacob Wilson.
<i>Lexington</i> , . . .	Capt. Joseph Bowman.
<i>Weston</i> , . . .	Francis Fulham, Esq.
<i>Melford</i> , . . .	Mr. Benjamin Willis.
<i>Dunstable</i> , . . .	Joseph Blanchard, Esq.
<i>Littleton</i> , . . .	Capt. Samuel Hunt.

## COUNTY OF HAMPSHIRE.

<i>Springfield</i> , . . .	Mr. Thomas Stebbins.
<i>Northampton</i> , . . .	Mr. Ebenezer Parsons.
<i>Hadley</i> , . . .	Eleazer Porter, Esq.
<i>Halford</i> , . . .	Israel Williams, Esq.
<i>Westfield</i> , . . .	Thomas Ingersol, Esq.
<i>Suffield</i> , . . .	Mr. Samuel Kent.
<i>Enfield</i> , . . .	Mr. Ephraim Terry.
<i>Deerfield</i> , . . .	Thomas Wells, Esq.
<i>Northfield</i> , . . .	Mr. John Beman.

## COUNTY OF WORCESTER.

<i>Worcester</i> , . . .	John Chandler, Esq.
<i>Lancaster</i> , . . .	Mr. Jabez Fairbanks.
<i>Mendon</i> , . . .	Capt. Thomas Thayer.
<i>Southboro'</i> , . . .	William Ward, Esq.
<i>Shrewsbury</i> , . . .	Nahum Ward, Esq.
<i>Lunenburg</i> , . . .	Josiah Willard, Esq.
<i>Woodstock</i> , . . .	Mr. William Lyon.

## COUNTY OF PLYMOUTH.

<i>Plymouth</i> , . . .	James Warren, Esq.
<i>Duxbury</i> , . . .	John Alden, Esq.
<i>Scituate</i> , . . .	John Cushing, Esq.





# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1737.

## CHAPTER 1.

ORDER WITH NOTICE ON JOHN LENAKINS PETITION FOR A NEW TRIAL  
OF AN ACTION.

A PETITION of John Lenakin of Dartmouth in the County of Bristol, Shewing that by Reason of this Courts Altering the time of holding the Inferiour Court of Common pleas in said County in March last, and the pet<sup>r</sup>s Ignorance thereof, he Miss'd an Oppertunity of Defending an Action brought Against him by Benjamin Shores of Taunton for £31. 10 So, that Judgment went Against him by Default And therefore praying that he may be Allowed a Trial of the said Cause by a Jury.

Legislative  
Records of the  
Council, xvi.,  
468.

House Jour-  
nal, p. 15.  
*Ante*, p. 313,  
chap. 121.

Read &

*Ordered* that the pet<sup>r</sup> forthwith Serve the said Benjamin Shores with a Copy of the petition, that he shew Cause if any he hath, on Tuesday the 14<sup>th</sup> of June next, why the prayer of the petition should not be Granted, and Execution within mentioned is Stay'd in the mean time. [*Passed May 31.*]

## CHAPTER 2.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO CAP<sup>T</sup> FOOT.

A PLAT of two hundred Acres of Land, laid out by Richard Hazzen Survey<sup>r</sup> and Chain men on Oath, to fulfill a Grant made by the General Court to Cap<sup>t</sup> John Foot; being bounded as follows, viz<sup>t</sup> with an heap of Stones by land of Samuel Clark (within the Township of Methuen) being the South easterly Corner; Thence Runing by said Clarks land South 49 deg. West One hundred & twelve poles to a stake and Stones by Draut line, thence by said line (which is North about 3½ Deg. West) about 300 poles to a Stake & Stones by the side of Woodburys Farm, thence East by said Farm about One hundred & thirty two poles to an heap of Stones thence South 7° 20' West Two hundred & Sixty Eight poles to the bounds first mentioned, The land lying within Methuen Township

Legislative  
Records of the  
Council, xvi.,  
470. Maps and  
Plans, Mis.,  
xi., 26.

Maps and  
Plans, Mis.,  
xi., 26 *bis*.  
House Jour-  
nal, p. 17.  
*Ante*, p. 327,  
chap. 150.

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described be & hereby are confirmed to the Heirs or Assigns of the said Cap<sup>t</sup> John Foot deceased in full satisfaction of the Grant within mentioned provided the plat contains no more than two hundred Acres of Land, and does not interfere with any former Grant. [*Passed June 1.*]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 2.



## CHAPTER 3.

## ORDER WITH NOTICE ON THE TEWKSBURY PETITION FOR LEAVE TO TAX LAND.

Legislative  
Records of the  
Council, xvi.,  
470.

House Jour-  
nal, p. 20,  
*Ante*, p. 329,  
chap. 155.

A PETITION of Samuel Hunt & James Kitteridge a Com<sup>tee</sup> for the Town of Tewksbury, praying that this Court would Impower the said Town to lay a Tax of Six pence ~~p~~ acre ~~p~~ annum for three Years on the lands of the Nonresident proprietors, the money to be Employed in finishing their Meeting House & for providing a Settlement for their Minister

Read &

*Ordered* that the pet<sup>r</sup> give publick Notice to the Nonresident proprietors of the Unimproved Lands, in the Town of Twkesbury, as well as in Cambridge the Shiretown of the County where the Lands ly, that they shew Cause, if any they have, on the first Tuesday of the next Session of this Court, why the prayer thereof should not be Granted; And the petition is Referr'd to that time for further Consideration. [*Passed June 2.*]

## CHAPTER 4.

## ORDER ANNEXING DIVERS FAMILIES AND THEIR ESTATES TO THE NORTHWEST PRECINCT OF LYNN.

Legislative  
Records of the  
Council, xvi.,  
471.

House Jour-  
nal, pp. 21, 22.

A PETITION of Ebenezer Bancroft and others a Com<sup>tee</sup> for the North West precinct in Lynn, praying that the Lands and the Inhabitants within the bounds hereafter mentioned may be set off from the first parish and Added to this viz<sup>t</sup> begining at the Gate between Salem and Lynn, and Including the land that was formerly Nath<sup>l</sup> Newhalls, & so running as the Stone Wall now runs, till it comes to the Land of Isaac Larrabee till it comes to Sagus River, including the Land<sup>l</sup> of Cap<sup>t</sup> Timothy Pool M<sup>r</sup> Peter Emerson, and that which was formerly John Jefferds; which Request of the pet<sup>rs</sup> is agreeable to a Vote passed at a Legal Meeting of said first parish

Read &

*Ordered* that the prayer of the petition be Granted, And that the Familys and their Estates within mentioned (except that of Peter Henschman) be and hereby are Annexed to and Accounted as part of Lynn North West precinct; And to do duty and Receive privileges Accordingly. [*Passed June 2.*]

## CHAPTER 5.

ORDER WITH NOTICE ON EBEN<sup>R</sup> WOODWARDS PETITION TO BE ANNEXED TO DEDHAM.

Legislative  
Records of the  
Council, xvi.,  
469.

A PETITION of Ebenezer Woodward of Stoughton, Shewing that he lives at a great Distance from the Meeting house in Dedham,<sup>2</sup> and

<sup>1</sup> The words, "that was formerly . . . land" are inserted from the State Library copy, Legislative Records of the Council, xvi., 471.

<sup>2</sup> "Stoughton," in the State Library copy, Legislative Records of the Council, xvi., 469, which would seem correct.

therefore praying that he and his Farm may be Annexed to the Old House Journal, p. 23.  
precinct in the Town of Dedham aforesaid

Read &

*Ordered* that the pet<sup>r</sup> Serve the Town of Stoughton with a Copy of this petition that they Shew Cause if any they have on the first Tuesday of the next Sitting of the Court, why the prayer thereof Should not be Granted. [*Passed June 3.*<sup>1</sup>

## CHAPTER 6.

### ORDER IMPOWERING STE. WILLIAMS TO SURVEY AND LAY OUT 700 ACRES OF LAND IN LIEU OF A FORMER GRANT.

A PETITION of M<sup>r</sup> Stephen Williams, for himself and the Rest of the heirs of M<sup>r</sup> John Williams deced, Shewing that having laid out a Grant of Seven hundred Acres of Land, Made to them by this Court, and Returned a plat thereof which this Court have Confirmed, It happens that most of the Said Land falls within the Lines of a Grant Made (before that to the pet<sup>rs</sup>) unto the Town of Westfield, And therefore praying that the pet<sup>rs</sup> may be Impoured to take up the Land in Some other place and Return a plat thereof to this Court

Legislative Records of the Council, xvi., 471.

House Journal, pp. 14, 17, 25. *Ante*, p. 321, chap. 136.

Read & in Answer to this petition,

*Ordered* that the pet<sup>rs</sup> have leave to Survey and lay out by a Surveyor and Chain men on Oath Seven hundred Acres of the Unappropriated Lands of the province, in Lieu of the Seven hundred Acres laid out and Confirmed at the Session of the Court held the 24 of November last, which falls within a former Grant; And therefore is hereby Vacated, & Return a plat thereof to this Court within twelve Months for Confirmation & to Satisfy the Grant within mentioned. [*Passed June 3.*<sup>2</sup>

## CHAPTER 7.

### ORDER GRANTING TO STE. SIGALL A RETURN OF IMPOST DUTY.

A PETITION of Stephen Sigal Master of a French Snow called the lovely Margaret, Shewing that he being bound to Bourdeaux was driven into Boston by Stress of Weather, in which his Vessel was so disabled as to be Condemned, as Unfit for the Sea, That the Impost Master demanded of him & took forty two pounds Six shillings & ten pence as the duty of his Cargoe, thô a great part of it was Reship't for Bourdeaux And therefore praying that the Impost officer may be directed to Return him the said money

Legislative Records of the Council, xvi., 472.

House Journal, pp. 13, 21. *Infra*, chap. 8.

Read &

*Ordered* that the Impost Officer be and hereby is directed to return so much and no more of the duty he Received of the pet<sup>r</sup> for the Goods within mentioned as were afterwards Reship'd for Bourdeaux on board the Ship Providence Thomas Godfrey Master the Other part of the Merchandize being sold here by Leave for defreying the pet<sup>rs</sup> Charge and the Impost thereof is Retained. [*Passed June 3.*

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 1.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 2.

## CHAPTER 8.

## ORDER RELEASING THE SECURITY OF PHILLIP MERRETT ON TOBACCO, RESHIPPED.

Legislative  
Records of the  
Council, xvi.,  
473.

House Jour-  
nal, pp. 14, 21.  
*Supra*, chap. 7.

A PETITION of Philip Merrett Master of the Snow Phœnix, Setting forth that, being bound for London from Virginia with a Cargoe of Tobacco, he was driven into Boston Harbour by Stress of Weather, and was Obliged to Unlade and Repair his Vessell, That the Impost Officer Obliged him to give Bond with Security for paying the Duty of the said Tobacco, Amounting to the Sum of £178. 10 praying that he may be discharged from the said Bond

Read &

*Ordered* that the prayer of the petition be Granted, and the Impost Officer is hereby Accordingly directed to discharge the pet<sup>r</sup> and Release the Security of the payment of the said Impost duty Amounting to One hundred and Seventy One pounds ten shillings aforesaid. [*Passed June 5.*]

## CHAPTER 9.

## ORDER WITH NOTICE ON THE PETITION OF SETH PARKER &amp; OTHERS TO SET ASIDE THE PROCEEDINGS IN REGARD TO A NEW WAY.

Legislative  
Records of the  
Council, xvi.,  
474.

House Jour-  
nal, p. 24.  
*Ante*, p. 283,  
chap. 55.

A PETITION of Seth Parker for himself and his Brethren, and as Agent for the Town of Falmouth in the County of Barnstable, praying for an Order of this Court, that all the proceedings Relating to a New Way petitioned for by Samuel Barker to his landing place at Woods hole in Falmouth may be quashed, and declared Null and Void, and that the Justices of the Court of General Sessions of the peace for the said County may be directed, at the said Barkers desire and for his Conveniency, to proceed therein a New as they shall think Agreeable to Law & Reasonable and Convenient; as thō No Order had been made with Relation thereto.

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Adverse party with a Copy of the petition, that he shew Cause, if any he have, on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be Granted; and the petition is Referr'd in the mean time for further Consideration. [*Passed June 4.*]

## CHAPTER 10.

## ORDER REMITTING TO THE TOWN OF SOUTHBORO £20 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xvi.,  
475.

House Jour-  
nal, p. 27.  
Province  
Laws, ii., 807.

A PETITION of the Selectmen of Southboro, Shewing that whereas the said Town was fined the last year for not sending a Represent<sup>a</sup> to the General Court, that the Smalness of the Town and the Great Charge they were at in Maintaining their poor and the Reduction of the Number of Inhabitants was the Occasion of their not Sending a Represent<sup>a</sup>; therefore praying that this Court would take of their fine aforesaid

Read and

*Ordered* that the prayer of the petition be Granted, and M<sup>r</sup> Treasurer Foye is hereby Impowred and directed to pay to William Ward Esq<sup>r</sup> for the use of the Town of Southborô the sum of Twenty pounds, to Reimburse them the said Sum laid on them for not Sending a Represent<sup>a</sup>. [*Passed June 8.*]

## CHAPTER 11.

ORDER GRANTING £15 PER ANNUM FOR THREE YEARS TO NOAH JOHNSON.

A PETITION of Noah Johnson of Suncook, praying that this Court would Settle Upon him a pension in consideration of Wounds he Received in the Service of the province Against the Indian Enemy, Under Cap<sup>t</sup> John Lovell deced, he Being Still Disabled thereby from Supporting his family.

Legislative  
Records of the  
Council, xvi.,  
475.

Read & in Answer to the within petition,

House Jour-  
nal, p. 32.  
*Ante*, p. 40,  
chap. 83.

*Ordered* that a pension of Fifteen pounds ~~p~~ Annum be and hereby is Granted And Allowed to be paid out of the publick Treasury to the pet<sup>r</sup> in consideration of the Wounds he Received in the late fight Against the Indian Enemy at Pigwacket, the Stipend to Commence from and after the Expiration of the last pension, which was on the first of June Instant, and from thence to be in force for the Space of three Years. [*Passed June 9.*]

## CHAPTER 12.

ORDER ACCEPTING AND REFERRING THE REPORT OF THE COMMITTEE ON THE WRENTHAM AFFAIR.

FRANCIS FOXCROFT Esq<sup>r</sup> from the Com<sup>tee</sup> of both houses on the petition of divers Inhabitants of Wrentham, praying for a New Township or precinct gave in their Report Read &

Legislative  
Records of the  
Council, xvi.,  
476.

*Ordered* That the Consideration of this Report be Referred to the first Tuesday of the next fall Sessions, that so the Town of Wrentham may have an Oppertunity to Accomodate the Matter Among themselves which is Recommended to them by this Court. [*Passed June 9.*]

Legislative  
Records of the  
Council, xvi.,  
393. House  
Journal, p. 55  
(1736) : p. 34.  
*Ante*, p. 291,  
chap. 69.

## CHAPTER 13.

ORDER FOR MAKING £20,000 BILLS OF CREDIT OF THE NEW TENOR.

*Ordered* that the Com<sup>tee</sup> of this Court for Signing the Bills of Credit of the New Tenor be and hereby are directed and Impowred as soon as may be to Imprint & Strike of Twenty Thousand pounds of the said Bills of the New Tenor viz<sup>t</sup> Sixteen Thousand pounds part thereof from the plate of the highest denomination and four thousand pounds the Remainder thereof from the lowest plate that the Com<sup>tee</sup> Sign the said Bills with all the dispatch they can and when finished to deliver the same to the province Treasurer taking his Receipt for the said Sum The Bills to lye in the Treasury for the Order of this Court. [*Passed June 10.*]

Legislative  
Records of the  
Council, xvi.,  
476.

Legislative  
Records of the  
Council, xiv.,  
475. House  
Journal, p. 36.  
*Ante*, p. 353,  
chap. 212.

## CHAPTER 14.

ORDER GRANTING £3. 6. 8 TO CAP<sup>t</sup> THO<sup>s</sup> SMITH.

Legislative  
Records of the  
Council, xvi.,  
476.

House Jour-  
nal, p. 35.  
*Ante*, p. 197,  
chap. 168.

A PETITION of Cap<sup>t</sup> Thomas Smith Truck master on Saco River, Shewing that his Wages in that Office has been Established at the Rate of One hundred & twenty pounds *p* annum, but thro' Mistake it is Carried out in the last Supply Act at one hundred pounds *p* annum only praying for Relief Read & in Answer to this petition

*Ordered* that the sum of three pounds Six shillings & Eight pence in Bills of the New Tenor be Granted and allowed to be paid out of the publick Treasury in full Satisfaction for what is due to him for his Wages as Truckmaster at Saco for the Six Month<sup>s</sup> <sup>1</sup> from the payment of his last Muster Roll which is Agreeable to the Establishment within mentioned. [*Passed June 10.*]

## CHAPTER 15.

## ORDER IMPOWERING LYDIA WOODBERRY AND OTHERS TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xvi.,  
477.

House Jour-  
nal, pp. 32, 37.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Lydia Woodberry of Beverly, Reliet of Benjamin Woodberry late of Said place deced, & of Robert Woodberry Guardian of the Said deced Eldest son Benjamin Woodberry a Minor, & Grandfather of Lydia & Sarah the Other Children of the deced, Who are in their Infancy Shewing that the Said deced at the time of his death held in Common and undivided with Isaac Woodberry Onehalf of about Six Acres and three Quarters of Land in said Town, with a house thereon, which is very Unprofitable as it lyes; and therefore praying that by the Order of this Court the pet<sup>rs</sup> may be Impowred to Join with the said Isaac in the Sale thereof

Read &

*Ordered* that the prayer of the petition be Granted, and the pet<sup>rs</sup> are Allowed & Impoured on the part and in the name and behalf of the said Benjamin Lydia & Sarah Woodberry Minors & Children of the deced, to Join with the said Isaac Woodberry in the Sale of the said Messuage Land & premisses within Mentioned, for the Most the same will fetch, and to pass in due form of Law a good Deed or deeds of Sale and Conveyance thereof to the person or persons that shall purchase the same; and in proceeding herein, the pet<sup>rs</sup> are to observe the Rules and directions of the Act of this province of the Sixth Year of his late Majestys Reign Chap. 3<sup>d</sup> Relating to the Sale of Real Estates provided Sufficient Caution be Given to the Judge of Probates of Wills &c for the County of Essex that the Minors two thirds of the One half of the proceeds of the Sale be let out at Interest by their Guardian or Guardians on Good & Sufficient Security for the said Childrens Use & benefit during their Minority; the principal with Such Interest as shall Remain; to be paid them as they Respectively Arrive to Age or be Married; and Also that the other third of the said half which the pet<sup>r</sup> Lydia is to hold as dower for life, shall at her decease be divided to and Among the said Children, or such as Shall Legally Represent them Agreeable to the Law of this province. [*Passed June 10.*]

<sup>1</sup> *Sic.*



## CHAPTER 16.

ORDER ANNEXING THE FAMILIES AND ESTATES OF W<sup>m</sup> PERHAM AND OTHERS TO THE TOWN OF GRAFTON.

A PETITION of John Parham, Joseph Kidder, Eleazar Fletcher, William Parham, Jacob Whipple, & David Batchellor all of Sutton, praying that they with their Estates lying on the Easterly Side of Blackstones River may be Annexed to the Town of Grafton Read &

Legislative  
Records of the  
Council, xvi.,  
477.

House Jour-  
nal, pp. 23, 24.

*Ordered* that the prayer of the petition be Granted & the Said Will<sup>m</sup> Parham & the five other pet<sup>rs</sup> above Subscribing with their Estates lying on the Easterly Side of Blackstones River be & hereby are Set off from the Town of Sutton & Annexed Annexed<sup>1</sup> to and Accounted as part of the Town of Grafton, to do duty & Receive privilege there to all Intents and purposes the Bridge over Blackstones River within mentioned to be Maintained by the two towns Equally. [*Passed June 10.*]

## CHAPTER 17.

## ORDER CONFIRMING A PLAT OF 5,879 ACRES OF LAND TO WESTFIELD.

A PLAT of Land, laid out by Oliver Partridge Survey<sup>r</sup> and Chainmen on Oath Containing Five Thousand Eight hundred and Seventy Nine Acres, lying between Westfield and Suffield Equivalent Exclusive of five hundred Acres Reserved for Housatanock Equivalent and a Pond of One hundred Acres

Legislative  
Records of the  
Council, xvi.,  
478. Maps and  
Plans, Mis.,  
xi., 11.

Read and

Maps and  
Plans, Mis.,  
xi., 11. House  
Journal, p. 23.  
*Ante*, p. 323,  
chap. 141.

*Ordered* That the plat be Accepted and the Lands therein delineated & described be and are hereby confirmed to the proprietors of the town of Westfield & their Assigns respectively (excepting the Five hundred Acres reserved for Houssatonnoc Equivalent as within mentioned, and the three Farms delineated in the plat at **A. B. & C**, which are to be & remain respectively for the Ministerial use the present Ministers Farm to be to his in Fee, and the Farm for the use of the school agreeable to the Grant of the Lands to said proprietors) provided the plat exceeds not the quantity of Five thousand Eight Hundred & seventy Nine Acres of Land inclusive of the said Farms at **A. B. and C**, and exclusive of the said Houssatonnoc Equivalent and pond; and does not interfere with any other Grant. [*Passed June 10.*]

## CHAPTER 18.

ORDER ON THE PETITION OF NATH<sup>l</sup> EAMES AND OTHERS PRAYING TO BE SET OFF AS A SEPARATE PRECINCT.

A PETITION of Nathanael Emes Samuel Tilden jun<sup>r</sup> and John King with Sundry others praying that such persons belonging to the Northernly part of Marshfield and Southerly part of Scituate as are willing may with their Familys and Estates be set off and Erected into a Separate precinct.

Legislative  
Records of the  
Council, xvi.,  
478.

House Jour-  
nal, pp. 20, 21,  
37. *Ante*,  
p. 235, chap.  
247.

In the House of Represent<sup>s</sup> Read &

*Ordered* that the prayer of the petition be so far Granted, as that

<sup>1</sup> *Sic.*

John Wainwright Esq<sup>r</sup> and M<sup>r</sup> Thomas Norton, with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> to Repair to the place Mentioned to be a precinct (giving Seasonable Notice of their coming[])<sup>1</sup> and Carefully View, as well the Situation & Circumstances of the pet<sup>rs</sup> and their Estates, as of the other Inhabitants, and Cause a true and Correct plat of the Lands desired by the pet<sup>rs</sup> to be set off a distinct precinct to be taken by able disinterested and Skilfull Surveyors, and Chainmen on oath, Sitting forth therein as well the Courses and Extent thereof as the Situation of each Dwelling house within the proposed precinct lines, and also mark down the names of each of the Inhabitants, as well those Against as those for the prayer of the petition; and such of the Inhabitants as are for the petition to Subscribe their names before the Com<sup>tee</sup> And that they make Return thereof with their doings at or before the first Tuesday of the next Sitting of the Court And the petition is Referr'd in the mean time for further Consideration the Charge Arising thereon to be paid as this Court shall order

In Council Read & Concurr'd & Ebenezer Burrill Esq<sup>r</sup> is Joined in the Affair. [*Passed June 10.*]

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## CHAPTER 19.

### ORDER GRANTING FURTHER TIME TO EDW<sup>d</sup> SHOVE TO RETURN A PLAT OF LAND.

ON A MOTION Made and Seconded by divers Members

*Ordered* That twelve Months more be Allowed to M<sup>r</sup> Edward Shove to Return a plat of his Grant of two hundred & fifty Acres of Land made him by this Court in June 1735.<sup>2</sup> [*Passed June 10.*]

Legislative  
Records of the  
Council, xvi.,  
479.

*Ante*, p. 137,  
chap. 29.

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## CHAPTER 20.

### ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO THE HEIRS OF REV. ICHABOD WISWELL.

A PLAT of Three hundred Acres of Land laid out by James Chandler Survey<sup>r</sup> and Chainmen on Oath to fulfill a Grant made by this Court to the heirs of M<sup>r</sup> Ichabod Wiswall deced<sup>d</sup>, begining at a Beach tree in the North line of the Narragansett Town N<sup>o</sup> five marked with **W** which is the South West Corner of the premisses, thence Runing North by the Needle two hundred Rods to a black birch Tree marked **W**, thence East two hundred & forty Rods to a Maple tree mark'd **W**, thence South two hundred Rods to a Stake & Stones in the North line of said Narragansett Town; thence West two hundred & forty Rods to the place first mentioned

Read and

*Ordered* That the plat be accepted and the Lands therein delineated & described be & hereby are confirmed to the Heirs of the w<sup>th</sup>in named M<sup>r</sup> Ichabod Wiswall & to their heirs and Assigns respectively for Ever in full satisfaction of the Grant within mentioned, provided the plat exceeds not the quantity of three hundred Acres of Land and does not interfere with any former Grant. [*Passed June 10.*]

Legislative  
Records of the  
Council, xvi.,  
479. Maps and  
Plans, Mis.,  
xi., 10.

Maps and  
Plans, Mis.,  
xi., 10 *bis*.  
House Jour-  
nal, p. 20.  
*Ante*, p. 349,  
chap. 204.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xvi., 478.

<sup>2</sup> Not found in the House Journal.

## CHAPTER 21.

ORDER IMPOWERING MARY WINCHESTER ADMINISTRATRIX TO SELL  
REAL ESTATE.

A PETITION of Mary Winchester Widow and Admin<sup>x</sup> of Caleb Winchester of Boston, praying for Liberty to make Sale of a house & about Seventy five Acres of Land in the Town of Stow, belonging to the Estate of the deced, for the paying of his Just debts and an Annuity of Nine pounds *p* Annum to his Mother in Law

Legislative  
Records of the  
Council, xvi.,  
481. Mass.  
Archives,  
xviii., 126.

Read &

*Ordered* That the prayer of the petition be granted, and the petitioner adm<sup>x</sup> as aforesaid is hereby allowed and impowred to make sale of the House and Land in stow within mentioned; and in proceeding therein to Observe the rules and directions of the Law of the province of the sixth year of the Reign of His late Majesty King George Cap III relating to the sale of real Estates, & pass and execute in due form of Law a good Deed or Deeds of sale & Conveyance of the said House & Land to the person or persons who will give most for the same, and out of the proceeds of the sale of the premisses the petitioner is directed and required to pay the Debts of the deceased; provided the petitioner gives bond with good and sufficient security to the Judge of probate for the County of Middlesex that the third part of the sale of the premises which she is to hold as Dower during Life shall at her decease be paid by her Executors or Administrators to the Child of the deceased, and Such as shall legally represent Him agreeable to the act of the province, & also that sufficient security be given as aforesaid that the Minors part of the proceeds of the sale of the premises after the debts are paid and the petitioners thirds are deducted and the annuity of nine pounds Secured to the deceaseds mother for Life for which Security is also to be given for the payment of Such of the principal at her decease in manner aforesaid be let out at Interest as sufficient Security by his Guardian or Guardians for his use and benefit during his Minority, the principall with Such Interest as shall remain to be paid him at his arrival at age or marriage or to his legal Representative, and also y<sup>t</sup> part part<sup>1</sup> of the principal Secured for the payment of the said Annuity shall at the decease of the deceaseds Mother be paid the said Minor or to his legal Representative in manner as afores<sup>d</sup>. [*Passed June 14.*]

Mass.  
Archives,  
xviii., 126-125.  
House Journal,  
p. 38.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 22.

ORDER GRANTING FURTHER TIME TO THE TOWN OF PEMBROOKE TO  
SURVEY AND LAY OUT A SCHOOL FARM.

*Ordered* that twelve Months more be Allowed to the Town of Pembroke to take and Return a plat of the Grant of their School Farm. Made them the last year by this Court. [*Passed June 15.*]

Legislative  
Records of the  
Council, xvi.,  
482.

House Journal,  
p. 41.  
*Ante*, p. 281,  
chap. 47.

<sup>1</sup> *Sic.*

## CHAPTER 23.

ORDER ACCEPTING THE ACCO<sup>T</sup> OF THE INDIAN TRUCK TRADE FOR THE YEAR 1735.

Legislative  
Records of the  
Council, xvi.,  
483.

House Jour-  
nal, p. 44.

AN ACCOUNT of the Indian Truck Trade for the Year 1735 Ballance whereof due to the province is £16,877. 17. 7.

Read &

*Ordered* that the Account be Accepted and Allowed and the Ballance being Sixteen Thousand Eight hundred and Seventy Seven pounds Seventeen shillings and Seven pence the late M<sup>r</sup> Treasurer Allen is Accomptable for. [*Passed June 15.*]

## CHAPTER 24.

## ORDER GRANTING £200 SALARY TO THE PRESIDENT OF HARVARD COLLEGE.

Legislative  
Records of the  
Council, xvi.,  
484.

House Jour-  
nal, pp. 53, 54.  
Province  
Laws, X., 731,  
chap. 442.  
*Infra*, chap. 25.

UPON READING a Memorial, Signed Henry Flynt Clerk of the Hon<sup>ble</sup> & Rev<sup>d</sup> Overseers of Harvard College, Setting forth that the Corporation have Unanimously Chosen the Rev<sup>d</sup> M<sup>r</sup> Edward Holyoke (Pastor of one of the Churches at Marblehead) to be president of Harvard College and that the said Election had been Unanimously Consented to by the Overseers, and therefore desired that the Court would please to Consider of an Honourable Support for the said M<sup>r</sup> Holyoke, and whatsoever else they may Judge Necessary to Encourage and facilitate his Settlement in the said Office: The House taking the same into Mature Consideration, And in as much as the said College derived their Constitution from the General Court of the late Colony of the Massachusetts Bay, And the Assembly of this Province have from time to time Chearfully given and Granted Considerable Sums of money for the Erecting Sundry Buildings, for the more Commodious Reception of the Fellows, Tutors, Graduates and Students there, and have also lately built a Convenient dwelling house for & furthermore have at all times Afforded their Aid and Assistance in Supporting a president as the Matter Required, And all this in Expectation of and Dependence upon their Close Adherence to their Constitution, and so Answering the great & good design of Founding said College The House Came into the following Vote viz<sup>t</sup> The House think it Reasonable that while the Circumstances of the College shall Require it, and they adhere to their Charter Constitution thus given them, there be Allowed to the president a Sutable & ample Support And therefore it is

*Ordered* that there be and hereby is Granted to the Rev<sup>d</sup> M<sup>r</sup> Edward Holyoke, to be paid out of the publick Treasury the Sum of two hundred pounds of the Bills of Credit on this Province of the New Tenor, over and above the Rents of the Massachusetts Hall, for One Year, from the time of his Instalment Residing at Cambridge, and performing the dutys of said Office, the money to be paid him quarterly

In Council Read & Concurr'd. [*Passed June 17.*]

## CHAPTER 25.

ORDER GRANTING £140 TO THE REV<sup>d</sup> M<sup>r</sup> HOLYOKES CHURCH AT MARBLEHEAD.

IN CONSIDERATION of the State and Circumstances the Society Under the Pastoral Care of the Rev<sup>d</sup> M<sup>r</sup> Holyoke of Marblehead will be in upon his Removal to Harvard College in Cambridge

Legislative  
Records of the  
Council, xvi.,  
485.

*Ordered* that the Sum of One hundred and Forty pounds in Bills of Credit of the New Tenor be Granted to the Society in Marblehead Under the Pastoral Care of the Rev<sup>d</sup> M<sup>r</sup> Edward Holyoke, lately Chosen president of Harvard College to Encourage & facilitate the Settlement of a Minister there, Upon M<sup>r</sup> Holyokes Acceptance of the Presidentship, and his Removal from them; the said sum to be Allowed and paid out of the publick Treasury to the Order of the said Society for the Ends before mentioned Upon the Ordination of M<sup>r</sup> Holyokes Successor. [*Passed June 17.*]

House Jour-  
nal, pp. 54, 55.  
*Supra*, chap.  
24.

## CHAPTER 26.

ORDER ALLOWING £41. 3 TO CAP<sup>t</sup> LARRABEE.

A PETITION of Cap<sup>t</sup> Benjamin Larrabee Commander of his Majestys Fort George, Shewing That he laid out £323. 9. 2 in Rebuilding the House in said Fort, which was destroyed by the late Fire there, for which this Court have as yet Allowed him only two hundred pounds praying for the Remainder with an Allowance for his Trouble and Interest of the money

Legislative  
Records of the  
Council, xvi.,  
485.

House Jour-  
nal, p. 50.  
*Ante*, p. 347,  
chap. 200.

Read and the Matter being fully considered,

*Ordered* That the sum of Forty One pounds three shillings of the Bills of Credit of the New Tenor be Granted and Allowed to be paid out of the publick Treasury to the said Benjamin Larrabee in full Satisfaction of the prayer of the petition. [*Passed June 17.*]

## CHAPTER 27.

ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND TO JN<sup>o</sup> STODDARD ESQ<sup>e</sup>.

A SURVEY made by Timothy Dwight Surveyor & Chain men on oath of One Thousand Acres of Land, Granted by this Court to John Stoddard Esq<sup>r</sup> lying on the Main Branch of Housatanock River, about Sixteen Miles Northerly of Cap<sup>t</sup> Cuncapots house; begining East ten deg. South Eighty perch from two Hemlock Trees marked with an Ax that stand on a Ridge of Upland Runing Northerly and Coming to a point a few Rods from said Trees, which are about ten Rods from a Sand bank on the East side of the Main Branch of Housatanock River, just above Unkamucks Alias Ketunckmeet Road, where it Crosses the said Branch; and from this Station Runing North ten Deg. East two hundred & forty perch to a Tree Mark'd, thence West ten deg: North four hundred perch to a tree Marked, then South ten deg, West four hundred Perch to a tree Marked & also from the Easterly End of the abovesaid Eighty perch South ten deg, West One hundred & Sixty perch to a Tree Marked many trees being marked in these lines:

Legislative  
Records of the  
Council, xvi.,  
485.

Maps and  
Plans, Mis.,  
xii., 5, 6.  
House Jour-  
nal, p. 53.  
*Ante*, p. 72,  
chap. 146;  
p. 278, chap. 42.



Read &

*Ordered* that the within Survey of the Tract of land within mentioned laid out to Satisfy a Grant of this Court in December 1734 of One Thousand Acres of land to John Stoddard Esq<sup>r</sup> be and hereby is Approved and Accepted and the lands therein Delineated and Described are Accordingly Confirmed to the said John Stoddard Esq<sup>r</sup> his heirs and Assignes forever provided the same Interferes with no former Grant. [*Passed June 17.*]

## CHAPTER 28.

### ORDER DECLARING BOXFORD TOWN MEETING PROCEEDINGS NULL AND VOID AND CALLING A NEW MEETING.

Legislative  
Records of the  
Council, xvi.,  
466, 486.

House Jour-  
nal, pp. 11, 35,  
50.

A PETITION of John Symonds and John Andrews two of the Committee for the first parish in Boxford, with others of the said Parish, Setting forth, that they the said Committee Notified A parish Meeting for Chusing Parish Officers, and Transacting other matters on the Twenty third day of March last, that a Number of the Inhabitants Earlier than usual, and without producing the Warrant for the Meeting, Opened it, and Chose Officers, and did other things in a very Irregular manner; and when the said Committee Afterwards with the Inhabitants proceeded to Choose officers, and to do the other matters, they did all they Could to Obstruct their proceedings, Altho the said Committee Read the Notification and proceeded in all Respects as the Law Requires; And therefore praying that this Court would declare which set of Officers ought to Stand, or do what else may be thought Necessary for Composing the Contentions in the said parish

Read, together with the Answer of Thomas Perley Joseph Hale and divers Inhabitants of the first parish, the partys also being Admitted were fully heard in their pleas and allegations for and Against the petition; And the Matter being fully considered,

*Ordered* that the proceedings of the first and Second Meeting herein Mentioned be and hereby are Superceeded and Declared Null and Void; And that the Com<sup>tee</sup> Appointed to Call parish Meetings in the first parish in the Town of Boxford for the Year 1736 be and hereby are fully Impowred and Directed, as soon as may be, to Issue out their Warrant directed to the Clerk of the said Parish for the Year, 1736, by Requiring him to Notify and Warn the Freeholders and other Inhabitants of the said Parish to Assemble at such time and in such publick place in said Parish, as shall be Expressed in the said Warrant; who are hereby Impowred to make Choice of Parish officers in the said Parish for the Year Currant; which Choice shall be Deemed good and Valid as thô they had been legally made in the Month of March last. [*Passed June 17.*]

## CHAPTER 29.

### ORDER IMPOWERING JOS. EPHRAIM JUN<sup>r</sup> INDIAN TO MAKE A SALE OF LAND.

Legislative  
Records of the  
Council, xvi.,  
486.

House Jour-  
nal, pp. 51, 52.  
Province

A PETITION of Joseph Ephraim jun<sup>r</sup> of Natick Indian praying for Liberty to Sell Seven or Eight Acres of Land in Natick, to Enable him to build a Barn and Carry on his husbandry Affairs

Read &

*Ordered* that the prayer of the petition be Granted and the pet<sup>r</sup> is

Allowed and Impowred to make Sale of Eight Acres of Land in Natick within mentioned and in proceeding therein to Observe the Rules and directions of the Law of this province of the Sixth Year of the Reign of his late Majesty King George Chap. 3<sup>d</sup> Relating to the Sale of Real Estates, And to pass and Execute in due form of Law a Good Deed or deeds of Sale thereof to the person or persons that shall purchase the Lands for the most the same will fetch And Francis Fullam Esq<sup>r</sup> and M<sup>r</sup> Ebenezer Allen are desired and Impowred to be Aiding and Assisting to the pet<sup>r</sup> and See that he has Justice done him in the Sale of the premisses: And also that the proceeds of the Sale be Applied by them to & for the use and purposes within mentioned & to and for no other use; And the Residue if any be, to be by them laid out in purchasing such necessaries as the pet<sup>r</sup> may have occasion for for his Convenience & Relief. [*Passed June 17.*]

Laws, 31., 151,  
chap. 10.

## CHAPTER 30.

ORDER IMPOWERING THE INHABITANTS OF THE FIRST PARISH IN NEWBURY TO ASSESS A TAX FOR THE SUPPORT OF A GRAMMAR SCHOOL.

ON THE PETITION of the first Parish in Newbury [*ante*, p. 329, chap. 154]

Read, and it Appearing that the Town of Newbury had been Served with a Copy of the petition and not making Answer thereto

*Ordered* that the prayer of the petition be Granted and that the first parish within the Town of Newbury in the County of Essex be and hereby is Authorized and Empowred to Assess the Inhabitants within the said Parish from time to time in such Sum or sums of money as they shall Grant, for and towards the Support of a Grammer School within said Parish; which Tax shall be Levied in the same proportion and according to the Rate<sup>1</sup> in Assessing the last Town and County Tax, and that during the maintaining and Supporting a Grammer School, they are hereby Exempted and freed from paying towards the Support of any Town Grammer School, provided Nevertheless that no person within any other parish in said Town be barr'd the Liberty and privilege of sending to and keeping at said School such of their Children as shall be qualified therefor; they paying for their Schooling in such proportion as the Com<sup>tee</sup> who have the Care of said School shall order and Appoint This order to Continue for and during the Space of five Years and no longer. [*Passed June 17.*]

Legislative  
Records of the  
Council, xvi.,  
487.

House Jour-  
nal, p. 52.  
*Ante*, p. 329,  
chap. 154.  
*Infra*, chap. 31.

## CHAPTER 31.

ORDER IMPOWERING THE INHABITANTS OF THE THIRD PARISH IN NEWBURY TO ASSESS A TAX FOR THE SUPPORT OF A GRAMMAR SCHOOL.

THE PETITION of the Third Parish in Newbury Praying they may be Allowed to keep a Grammer School in said Parish in manner as the first parish [*ante*, p. 328, chap. 152] Read and it Appearing that the Town of Newbury had been duly Served with a Copy of the petition, but not making any Answer thereto,

Legislative  
Records of the  
Council, xvi.,  
487.

House Jour-  
nal, p. 52.  
*Ante*, p. 328,

<sup>1</sup> "Rule," in the State Library copy, Legislative Records of the Council, xvi., 487. So *infra*, chap. 31.

chap. 152.  
*Supra*, chap.  
30.

*Ordered* that the prayer of the petition be Granted, and that the third parish in Newbury within the County of Essex be and hereby is Authorized and Empoured to Assess the Inhabitants within the said parish from time to time, in such sum and Sums of money, as they shall Grant, for & towards the Support of a Grammer School within the said parish, which Tax shall be Levi'd in the Same manner and according to the Rule in Assessing the last town and County Tax; & that during their Maintaining & Supporting a Grammer School they are hereby Exempted and freed from paying towards the Support of any Town Grammer School; provided Nevertheless that no person within any other parish in said Town be barr'd the Liberty & priviledge of Sending to & keeping at said School Such Children as shall be qualified therefor, they paying for their Schooling in Such proportion as the Com<sup>tee</sup> who have the Care of said School shall Order & Appoint, this order to Continue for & during the space of five Years and no longer. [*Passed June 17.*]

## CHAPTER 32.

ORDER ALLOWING £5 PER ANNUM FOR THREE YEARS TO JOSIAH JONES.

Legislative  
Records of the  
Council, xvi.,  
488.

House Jour-  
nal, pp. 31, 32.  
*Ante*, p. 245,  
chap. 271.

A PETITION of Josiah Jones of Concord, Shewing that he is Still disabled by the Wounds he Received in the publick Service Against the Indian Enemy from Supporting himself by his Labour and therefore praying that his pension may be Revived      Read & in Answer to this petition

*Ordered* that a pension of Five pounds *p* annum is hereby Granted and Settled upon the petitioner for and during the Space of three Years to be Accounted & Commence from the Seventeenth of march A : d : 1735 And the said Pension is Accordingly to be Allowed & paid out of the publick Treasury to the pet<sup>r</sup> in the Bills of the New Tenor. [*Passed June 17.*]

## CHAPTER 33.

ORDER IMPOWERING JAMES WARREN ESQ<sup>r</sup> TO CALL A MEETING OF THE GRANTEES OF THE NEW TOWN GRANTED TO CAP<sup>t</sup> SYLVESTERS COMPANY.

Legislative  
Records of the  
Council, xvi.,  
488.

House Jour-  
nal, p. 51.  
*Ante*, p. 289,  
chap. 66.

*Ordered* That James Warren Esq<sup>r</sup> be and hereby is fully Authorized and Impowred to Assemble and for the first meeting to Convene the Grantees of a Township<sup>1</sup> lately Granted by this Court to the officers and Soldiers in the Canada Expedition Anno 1690, Under the Command of Cap<sup>t</sup> Joseph Sylvester deced their heirs legal Represent<sup>a</sup> &c in Some Convenient place in the Town of Plymouth when and where the Grantees under the Direction of the said James Warren Esq<sup>r</sup> are to make Choice of a proper Clerk and to pass such Votes and Rules & orders for bringing on the Settlement as may be Agreeable to the Conditions of the Grant and also to Agree Upon Some Regular Methods for to call proprietors meetings for the future. [*Passed June 18.*]

<sup>1</sup> This township became Richmond, New Hampshire.

## CHAPTER 34.

ORDER IMPOWERING EZEK<sup>L</sup> WORTHEN TO ENTER AN APPEAL WITH STAY OF EXECUTION.

A PETITION of Ezekiel Worthen of Amesbury, Shewing that by his Ignorance and mistake he failed filing his Reasons of Appeal from a Judgment Obtained Against him at the Inferiour Court of Common pleas for the County of Essex, held in May last, by William Dunn of Newbury; And therefore praying that Execution of said Judgment may be Stay'd that so he may have opportunity to put in Suit a Contract between the Pet<sup>r</sup> and the said Dun

Legislative  
Records of the  
Council, xvi.,  
463, 489.

House Jour-  
nal, pp. 13, 50,  
51.

Read together with the Auswer of William Dunn and the matter being fully considered,

*Ordered* that the pet<sup>r</sup> be Allowed and Impowred to prosecute the Appeal within mentioned at the next Superiour Court of Judicature to be holden at Salem in and for the County of Essex on the Second Tuesday of November next, filing his Reasons of Appeal fourteen days at least before the Sitting of the said Court, and Seasonably notifying the adverse party the said William Dun with a Copy of this Order, and the Justices of the said Court are Impoured and Directed to hear and try the Action on the said Appeal enter up Judgment and Award Execution Accordingly and Execution on the Judgment within mentioned is hereby Supereceeded & Staid Untill the said William Dun shall give Bond with Security to Refund the money which he Recovered and shall Receive if the Execution be Served in Case the former Judgment of the Inf<sup>r</sup> Court be Reversed.  
[*Passed June 18.*]

## CHAPTER 35.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE ROCHESTER AFFAIR, AND CALLING A TOWN MEETING.

A PETITION of John Freeman, Samuel Wing, and Noah Sprague Select men and a great Number of Others Inhabitants of the Town of Rochester, Complaining of Great Irregularitys in the proceedings of a Town Meeting held there in March last for the Chusing of Town Officers &c, and praying for Relief from this Court

Legislative  
Records of the  
Council, xvi.,  
473, 490.

[After an order of notice, a committee was appointed to hear the parties on the questions in controversy; which committee made the following report:]

Legislative  
Records of the  
Council, xvi.,  
488. House  
Journal, pp. 22,  
23, 57, 62, 63.

The Com<sup>tee</sup> Appointed to take Under Consideration the petition of Sundry Inhabitants of Rochester together with the Answer thereto Relating to their Annual Meeting held in the Month of March last past for the Choice of Town officers the Year Currant; after a full hearing of both partys thereon, and having perused Several papers and affidavits Relating thereto; It Appears to this Com<sup>tee</sup> that the Moderator Refused to Regulate said Meeting Agreeable to the List of valuation then laid before him, and Suffered divers persons to Vote in said Meeting for the Choice of Selectmen & other Town Officers, who were not qualified to Vote According to the valuation aforesaid; This Com<sup>tee</sup> are therefore of Opinion that the proceedings and Elections of Said Meeting be Set aside and the Select men of said Town for the Year 1736, be Impoured to Call a Town Meeting as soon as

may be for the Choice of Town officers for the Year Currant; all which is humbly Submitted In the name and by order of the Com<sup>tee</sup>

M Bourn

Read &

*Ordered* That this Report be Accepted, and that the Selectmen of the Town of Rochester for the Year 1736 be and hereby are Impoured to Issue their Warrant as soon as may be directed to the Constable of the said Town for the Year 1736, Requiring him to assemble the Freeholders and other Inhabitants, qualified as the Law directs; who being so Assembled are also Authorized and Impoured to make Choice of Town officers, Agreeable to the Direction of the Law, which Choices so made shall be Deemed Good and valid as if they had been made in the Month of March last. [*Passed June 21.*]

## CHAPTER 36.

### ORDER ALLOWING CONRAD BURGHART AN APPEAL FROM A JUDGEMENT WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
491.

House Jour-  
nal, pp. 61, 62.

A PETITION of Conrad Burghert of Kenderhook in the Province of New York, Shewing That a Judgment was obtained Against him at the Inferiour Court of Common pleas for the County of Hampshire in May last by David Ingersol Attorney to the Com<sup>tee</sup> for Housatanock Township, which was while the pet<sup>r</sup> was out of the County and Utterly Ignorant of an Action Commenced Against him and therefore praying that Execution may be Stop'd & he may have Reli'f from this Court.

Read & forasmuch as it Appears that david Ingersol the Adverse party, Who is now at Boston has Expressed his Willingness that no Advantage be taken Against the pet<sup>r</sup> by Reason of his Nonappearance or making no defence at the Inf<sup>r</sup> Court within mentioned but that he may have his Law

*Ordered* that the prayer of the petition be Granted, and the pet<sup>r</sup> is allowed & Impoured to prosecute his appeal from the Judgment within mentioned to the next Superiour Court of Judicature &c in & for the County of Hampshire on the fourth Tuesday of September next; and the Justices of the said Superiour Court are hereby Impoured & directed to hear & try the same by admitting the pet<sup>r</sup> to make a proper plea to Issue In the Case, that the Merits of the Cause may be Tried by a Jury; and that the said Court give Judgment thereon & award Execution Accordingly; which shall be Deemed as good and Effectual as if Issue had been Joined at the Inf<sup>r</sup> Court within mentioned; And the pet<sup>r</sup> is directed and Required Seasonably to serve the said David Ingersol with a Copy of this Petition and Order. [*Passed June 21.*]

## CHAPTER 37.

### ORDER GRANTING ROGER DEERING ESQ<sup>r</sup> LEAVE TO BRING AN ACTION OF REVIEW, TO BE TRIED BY A JURY.

Legislative  
Records of the  
Council, xvi.,  
492.

House Jour-  
nal, pp. 64, 65.

ON THE PETITION of Roger Deering Esq<sup>r</sup> [*ante*, p. 305, chap. 102]

In Council Read and it Appearing that James Libby the Adverse party had been duly Served with a Copy of this petition, but no Answer given,



*Resolved* that in as much as the Evidence of Samuel Hill within mentioned was one of the papers in the Case, & so a matter of Record, the Justices of the Superiour Court ought to have Received it; and Therefore

*Ante*, p. 305,  
chap. 102.

*Ordered* that in Case the pet<sup>r</sup> should bring his Action of Review of the Cause within mentioned to the Sup<sup>r</sup> Court of Judicature, and the same should be try'd by a Jury there, the Judges of the said Court Commit the Copy of the said Evidence to the Jury with the other papers in the Case. [*Passed June 22.*]

## CHAPTER 38.

### ORDER OF NOTICE ON THE PETITION OF ELISHA NEVERS TO BRING FORWARD AN APPEAL, WITH STAY OF EXECUTION.

A PETITION of Elisha Nevers of Leicester in the County of Worcester Shewing That he Appealed to the Sup<sup>r</sup> Court of Judicature for the County of Middlesex from a Judgment Obtained Against him at the Inferiour Court of Common pleas held at Charlestown in January last, by Joshua Cheever of Dunstable, but by mistake miss'd of filing his Reasons of Appeal; praying that the Justices of the said Superiour Court may be Impoured and directed to try his said Appeal Notwithstanding And that Execution may be Staid in the mean time Read &

Legislative  
Records of the  
Council, xvi.,  
492.

House Jour-  
nal, p. 38.

*Ordered* that the pet<sup>r</sup> Serve the Adverse party Joshua Cheever with a Copy of the petition, that he shew Cause if any he have, on Friday the first day of July next, why the prayer should not be Granted and Execution within mentioned is Stay'd in the mean time. [*Passed June 22.*]

## CHAPTER 39.

### ORDER CONFIRMING A PLAT OF 400 ACRES OF LAND TO W<sup>M</sup> LUND.

A PLAT of four hundred Acres of Land, laid out by James Cummings Survey<sup>r</sup> and Chainmen on Oath, to fulfill a Grant made by this Court to William Lund lying on the Westerly Side of Merrimaek River Adjoining to the Narragansett Town Number five, about One Mile and three quarters from the River Joining South by the said Narragansett Town elsewhere on Province land

Legislative  
Records of the  
Council, xvi.,  
492. Maps and  
Plans, Mis.,  
xi., 13.

Maps and  
Plans, Mis.,  
xi., 13. House  
Journal, pp. 36,  
37. *Ante*, p. 74,  
chap. 150.

Read and  
*Ordered* That the plat be Accepted, and the Lands therein delineated and described be & hereby are confirmed to the said William Lund his heirs and Assigns for Ever provided he or they perform the Conditions of the Grant, and that the plat exceeds not the quantity of Four Hundred Acres of Land, and does not interfere with any former Grant. [*Passed June 23.*<sup>1</sup>]

<sup>1</sup> This date is according to Maps and Plans; according to Legislative Records of the Council the date is June 22.

## CHAPTER 40.

## VOTE DECLARING THE PROCEEDINGS OF A TOWN MEETING AT HOPKINTON NULL AND VOID AND CALLING A NEW MEETING.

Legislative  
Records of the  
Council, xvi.,  
493.

House Jour-  
nal, p. 31.

A PETITION of Daniel Chaffin & others, Selectmen of the Town of Hopkinton, for the Year 1736, Complaining of the Irregular & Illegal proceedings of the Inhabitants at their Meeting in March last in the Election of their Officers; & praying that the said Elections may be declared Null & void and another Meeting may be Summoned for the Election of Officers for this present Year

Read & in Answer to this petition,

*Voted* that the proceedings of the Town of Hopkinton at their Anniversary Meeting in March last as to their Choice of Town officers be and hereby is Declared to be Null and void, and of no force whatsoever, & the pet<sup>rs</sup> the Selectmen of the Town of Hopkinton for the Year 1736, are hereby fully Impowred to Issue out a Warrant Under their hands, directed to One or more of the Constables of said Town, Requiring him or them to Notify and Warn the Free holders and other Inhabitants of said Town, Qualified to Vote to Assemble and Convene at such time and place as shall be mentioned in said Warrant; And the said Qualified Voters are Accordingly Impowred to make Choice of all Town officers to Stand for the Year Currant, as Effectually as if they had been Lawfully Chosen at the Anniversary Meeting in March last; Provided Nevertheless, that Nothing in this Order shall be Construed to Extend or be Understood in the least manner to Null or Set aside, what the Selectmen said to be Chosen at the March Meeting, have done Since in giving Orders for money or any other prudential thing in said Town which would have been Legal if they had been Regularly Chosen. [*Passed June 23.*]

## CHAPTER 41.

ORDER APPOINTING A COMMITTEE ON NATH<sup>l</sup> WILLIAMS PETITION FOR RELIEF FROM TAXATION.

Legislative  
Records of the  
Council, xvi.,  
494.

House Jour-  
nal, p. 68,  
*Ante*, p. 322,  
chap. 137.

A PETITION of Nathanael Williams of Taunton, Complaining that his lands are taxed both to the Town of Taunton and the Town of Raynham praying for Relief from this Court      In Council Read &

*Ordered* that John Cushing Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Com<sup>tee</sup> to Repair to the Lands of the pet<sup>r</sup>, view the Same, hear the partys Concerned, & make Report at the next Session of the Court, what may be proper for the Court to do thereon; The Committee to give Seasonable Notice to the Towns of Taunton & Raynham, of the time of their coming, and that no Taxes be Levied on the pet<sup>r</sup> in the mean time      In the House of Represent<sup>a</sup> Read & Concurr'd & Job Almy & James Warren Esq<sup>rs</sup> are Joined in the affair. [*Passed June 23.*]

## CHAPTER 42.

## ORDER ALLOWING THE WORCESTER COUNTY TREASURER'S ACCOUNT.

AN ACCOMPT presented by Benjamin Flagg jun<sup>r</sup> Treasurer of the County of Worcester for the Year 1736; Having been laid before the Court of General Sessions of the peace for said County and by them Allowed

Read & Accepted &  
*Ordered* that this Accompt be Allowed. [*Passed June 24.*]

Legislative  
Records of the  
Council, xvi.,  
496.House Jour-  
nal, pp. 51, 57.

## CHAPTER 43.

ORDER ALLOWING THE BARNSTABLE C<sup>O</sup> TREAS<sup>RS</sup> ACCO<sup>T</sup>.

AN ACCOMPT presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable for the Year 1736 Having been laid before the Court of General Sessions of the peace for said County and by them Allowed

Read & Accepted &  
*Ordered* that this Accompt be Allowed. [*Passed June 24.*]

Legislative  
Records of the  
Council, xvi.,  
496.House Jour-  
nal, pp. 51, 57.

## CHAPTER 44.

ORDER ALLOWING THE PLIMOUTH COUNTY TREAS<sup>RS</sup> ACC<sup>T</sup>.

AN ACCOMPT presented by Hamiland Torrey Treasurer of the County of Plymouth for the Year 1736, Having been laid before the Court of General Sessions of the peace for said County and by them Allowed

Read & Accepted &  
*Ordered* that this Accompt be Allowed. [*Passed June 24.*]

Legislative  
Records of the  
Council, xvi.,  
496.House Jour-  
nal, pp. 51, 57.

## CHAPTER 45.

ORDER IMPOWERING HON<sup>BLE</sup> JOHN CHANDLER TO SURVEY AND LAY OUT 1,000 ACRES OF LAND.

ON A MOTION made and Seconded

*Ordered* that the Hon<sup>ble</sup> John Chandler Esq<sup>r</sup> of Woodstock be & hereby is Allowed to make a pitch at the North east Corner of & Adjoining to the Housatanock Township Called Number four to Satisfy a Grant of the Court of One Thousand Acres of Land made him [*ante*, p. 293, chap. 72] and that he be directed to Return a plat thereof to this Court Accordingly, to begin from the said Corner as the Township is Reformed by the Survey plat lately taken and now Confirmed by the Court. [*Passed \* June 24.*]

Legislative  
Records of the  
Council, xvi.,  
496.House Jour-  
nal, p. 70.  
*Ante*, p. 293,  
chap. 72. *Post*,  
p. 416, chap.  
136. *Infra*,  
chap. 46.

## CHAPTER 46.

## ORDER ACCEPTING A REFORMED PLAT OF THE FOUR TOWNSHIPS ON THE ROAD FROM SUFFIELD.

Legislative  
Records of the  
Council, xvi.,  
496. Mass.  
Archives, cxv.,  
711.

House Jour-  
nal, pp. 69, 70.  
*Ante*, p. 317,  
chap. 129.

A PLAT of the four New Townships on the Road from Suffield Equivalent to the Upper and Lower Housatanock Townships being Reformed as follows viz<sup>t</sup> the Township Number One has an Equivalent delineated of four Thousand Acres, Adjoining to Glasgow, for what was taken off from it by Housatanock on the West side thereof, which Includes the Twenty five Mile Pond An addition of two Thousand one hundred Acres was at first Allowed to this Township for prices Grant of Six hundred Acres & Laughtons Grant of two hundred Acres & Ponds The Township Number four had An Allowance of Seven hundred & thirty Eight Acres for ponds The Township Number three had an Allowance of One hundred & Eleven Rods Wide at the South end for Ponds & Swag of Chain which was omitted in the first Measuring Survey by William Chandler

Read and

*Ordered* that the plat within mentioned as now Reformed Containing the Four Townships on the Road from Suffield Equivalent to the Lower and upper Housatanock Townships and Including an Equivalent for what was taken out of the Township No one of the Hop Lands So Called and other Lands be accepted and Confirmed to the Grantees of the four Townships Respectively admitted therinto by a Comm<sup>tee</sup> of this Court for that Purpose formerly appointed & authorized their heirs and assigns PROVIDED The Grantees Do Respectively Perform the Conditions of the Grant and Provided also that the plat Contains no more than What the Survey Expresses Including the Equivalent To N<sup>o</sup> One for the Hop Lands &c and Does not Interfere with any former Grant and the acceptance and Confirmation of the Plat of the Said Four Townships Pass'd this Court att their Session Begun and Held the 24<sup>th</sup> Day of November Last, be and Hereby is Superseded And Declared null and Void To all Intents and Purposes whatsoever as tho' the Same had never been Taken or Confirmed. [*Passed June 24.*]

## CHAPTER 47.

ORDER IMPOWERING EBENE<sup>r</sup> CHENERY TO SELL LAND.

Legislative  
Records of the  
Council, xvi.,  
497.

House Jour-  
nal, p. 74.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ebenezer Chenery of Watertown, Shewing That his Father John Chenery de<sup>cd</sup> by his last will & Testament bequeathed his lands to the pet<sup>r</sup> with this Restriction, that they should never be Alienated from his lineal Descendants, and Ordered that the pet<sup>r</sup> Support his Mother, during her life, and pay his Sisters portions out of the said Estate: And therefore praying that this Court would Impower him to Sell the Outlands of the said Estate Consisting of about Six or Eight Acres lying in Watertown for the Raising money for the said purposes Notwithstanding the said Restriction, the Sisters (who are the only Remaining heirs of his Father) having Expressed their Consent to the said Sale

Read &

*Ordered* That the prayer of the petition be Granted and the pet<sup>r</sup> is allowed and Impoured to make Sale of the outlands within mentioned for the most the same will fetch and in proceeding in the Sale to Observe the Rules and directions of the Act of the Province of the Sixth

Year of the Reign of the late King George Chap 3<sup>d</sup> Relating to the Sale of Real Estates and to pass and Execute in due form of Law a Good Deed or deeds of Sale thereof the proceeds of the Sale to be Applied for the better Support of the Testators Widow and to Enable the pet<sup>r</sup> to pay and Satisfie the Legacys given within in the said will. [*Passed June 24.*]

## CHAPTER 48.

### ORDER WITH NOTICE REFERRING W<sup>m</sup> DYERS PETITION FOR REVIEW OF AN ACTION WITH STAY OF EXECUTION.

A PETITION of William Dyer of Newport in the Colony of Rhode Island Shewing that in October last he was Attached at Boston in an Action of Trespass at the Suit of Thomas Davis of Newport aforesaid for taking away Divers of the pl<sup>ts</sup> goods to the value of £65. 3. 6 that the pet<sup>r</sup> being Not well Acquainted with the proceedings of this province desired M<sup>r</sup> Paxton to provide an attorney for him and Returned to Newport, that the Action was Called at Court, and M<sup>r</sup> Shirley offered to Appear for the pet<sup>r</sup> but for want of a proper power of Attorney he was not admitted, & so the Action went by Default, against the pet<sup>r</sup> and Therefore praying that he may be allowed a Review of the said action at the next Inf<sup>r</sup> Court of Common pleas for the County of Suffolk and that Execution may be Staid in the meantime

Read &

*Ordered* That the pet<sup>r</sup> forthwith Serve Thomas Davis or his Attorney Robert Auchmuty Esq<sup>r</sup> with a Copy of the petition, that they or Either of them shew Cause, if any they have, on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be Granted & Execution is Stayed in the mean time. [*Passed June 24.*]

Legislative  
Records of the  
Council, xvi.,  
497.

House Jour-  
nal, pp. 67, 68.

## CHAPTER 49.

### ORDER IMPOWERING THE JUDGE OF PROBATE TO APPOINT COMMISSIONERS, ON THE ESTATE OF GEORGE CAMPBELL INSOLVENT.

A PETITION of Samuel Marshall Admin<sup>or</sup> of the Estate of George Campbell, Shewing that the Estate being Insolvant, the Judge of probate for the County of Suffolk Appointed Commiss<sup>rs</sup> to Examine the Claims of the Creditors, but they intirely Neglected the business till the time Limited by Law was Elapsed, therefore praying that the said Judge may be Impowred to Grant a New Commission to the former or other Commiss<sup>rs</sup> for Examining the Claims of the Creditors to the said Estate

Read &

*Ordered* That the Judge of Probate for the County of Suffolk be and hereby is Impowred and directed to Appoint the Same or other Commiss<sup>rs</sup> to Examine the Claims of the Creditors to the Estate of George Campbell within mentioned and to Allow them three or Six Months to give in their Report that so the deceaseds Estate may be proportioned Among the Creditors without further delay. [*Passed June 25.*<sup>1</sup>]

Legislative  
Records of the  
Council, xvi.,  
490.

House Jour-  
nal, p. 75.  
*Ante*, p. 312,  
chap. 117.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 21.



## CHAPTER 50.

ORDER ON THE PETITION OF BENJ<sup>A</sup> LARRABEE AND OTHERS TO BE  
ERECTED INTO A TOWNSHIP.

Legislative  
Records of the  
Council, xvi.,  
498.

House Jour-  
nal, p. 73.  
Province  
Laws, ii., 982,  
chap. 28.

A PETITION of Benjamin Larrabee Esq<sup>r</sup> for himself & the Rest of the Inhabitants of Brunswick, praying that they may be Erected into a Township and have the privilege by Law Allowed to the Towns in the province for their General benefit      Read &

*Ordered* that the prayer of the petition be Granted, and the pet<sup>rs</sup> are allowed to bring in a Bill Accordingly. [*Passed June 27.*]

## CHAPTER 51.

ORDER WITH NOTICE REFERRING DANIEL WHITNEYS PETITION FOR  
RE-TRIAL OF AN ACTION WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
498. Mass.  
Archives,  
xvii., 529.

Mass.  
Archives,  
xvii., 528.  
Legislative  
Records of the  
Council, xvi.,  
335. House  
Journal, p. 69.

A PETITION of Daniel Whitney of Concord in the County of Middlesex Shewing That he brought his Action (as Executor of his Father Jonathan Whitney deced) Against the Proprietors of Sherburn for Receiving a Right belonging to the said Testator. That Judgment went Against him at the Sup<sup>r</sup> Court (as he apprehends) for want of Several Copys out of the Proprietors Books, which the Clerk of the Proprietors denied him and Therefore praying that he may have a new Trial and that the said Clerk may be Obligated to furnish him with what Copys he may want for his money.

Read and

*Ordered* that the petitioner serve the proprietors of the Common Lands of sherburn as well as the proprietors Clerk with a Copy of the petition that they shew Cause if any they have on the first Thursday of the next sitting of the Court why the prayer of the petition should not be granted and Execution within mentioned is hereby stayed in the mean time; and the petition is referred for further Consideration Accordingly.<sup>1</sup> [*Passed June 27.*]

## CHAPTER 52.

ORDER WITH NOTICE REFERRING JUDITH & MARY FISHERS PETITION  
FOR RECOVERY OF LANDS.

Legislative  
Records of the  
Council, xvi.,  
521.

House Jour-  
nal, pp. 80, 81.  
*Note*, p. 148,  
chap. 50.

A PETITION of Judith & Mary Fisher Executors of the last will and Testament of Joshua Fisher deced & others, Complaining of great Injustice done in Relation to some Rights of land in dorchester which were the Estate of their Ancestors Elder John Wiswall & praying that they may be Allowed Another Trial at the next Superiour Court of Judicature for the County of Suffolk of an Action of Ejectment brought by your pet<sup>r</sup> against Henry Vose & also Establish & make Valid a Note<sup>2</sup> of the proprietors of the Lands beyond the blue hills now on the Township of Stoughton pass'd the third of June 1734

<sup>1</sup> On December 8, 1737, House Journal, p. 74, this petition was dismissed.

<sup>2</sup> "Note" instead of "Vote" here, but "Vote" in the State Library copy, Legislative Records of the Council, xvi., 521.

Read &

*Ordered* that the pet<sup>rs</sup> Seasonably Serve the Adverse party with a Copy of this petition, that they Shew Cause if any they have, on the Second Fryday of the next Session of this Court [why the Prayer thereof should not be granted].<sup>1</sup> [*Passed June 28.*<sup>2</sup>

## CHAPTER 53.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE TOWNSHIPS GRANTED TO THE HOUSATONIC INDIANS.

IN PURSUANCE of the order of the General Court appointing us the subscribers a Committee to lay out a Township unto the Housatunock Tribe of Indians &c We went to Housatunock in April last and surveyed the Lands in Sheffield, which s<sup>d</sup> Housatunock Indians resigned to the Government, the next day we began at a heap of Stones about sixty rods North from Moses Kings, which heap of stones is reputed to be the North boundary of the Town of Sheffield thence we measured to Joakim Van vol kenberries which is near the place where some of the Housatunock Tribe now dwell, from thence we measured Eastwardly four hundred & fifty rods, and there made a Monument, which is the Station from whence the Township is described in a platt herewith Exhibited & made by Timothy Dwight surveyor

Legislative  
Records of the  
Council, xvi.,  
499. Mass.  
Archives,  
ccxliii., 73.

Mass.  
Archives,  
xxxi., 211.  
Legislative  
Records of the  
Council, xvi.,  
346. House  
Journal, p. 79.  
*Ante*, p. 245,  
chap. 272;  
p. 380, chap. 46.  
*Infra*, chap. 54.

We further Report That we sent for the People settled in the Upper Township at Housatunock, & acquainted them with the design of the Government, they shewd a great uneasiness & would not Consent that any of their Township should be taken off for the use of the Indians; but they returned to us a few days after & all of Them freely Consented that part of their Township should be taken off, we making them an Equivalent for what the remaining part of the settlers below the Mountain should have taken from them.

We have likewise discoursed with all that have rights above the Mountains, most of whom are willing to resign their rights & to take an Equivalent elsewhere And we have already agreed with some of them for an Equivalent; but inasmuch as others are not agreed with, we are Obligated to defer a further Report till that Affair is perfected

We think it our Duty to take notice that Joakim Van volkenberry with a numerous Family is settled above the Mountain within the Township laid out to the Indians who has something more than three settling Rights Confirmed to him by the Committee for Housatunock. This Man is the Interpreter for the Indians of whom they are extremely fond, insomuch that it will be vain to endeavour to remove him

Boston June 22<sup>d</sup> 1736.

JOHN STODDARD. }  
EBENE<sup>R</sup> POMROY: } Committee  
THO<sup>S</sup> INGERSOLE }

Read &

*Ordered* That the Report be Accepted. [*Passed June 29.*<sup>3</sup>

<sup>1</sup> Inserted from the House Journal, p. 81.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is July 5.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 28.

## CHAPTER 54.

## ORDER CONFIRMING A PLAT OF THE TOWNSHIP FOR HOUSATANOCK INDIANS.

Legislative  
Records of the  
Council, xvi.,  
500. Maps and  
Plans, Mis.,  
xi., 28.

Maps and  
Plans, Mis.,  
xi., 28. House  
Journal, p. 79.  
*Note*, p. 245.  
chap. 272.  
*Supra*, chap.  
53. *Infra*,  
chap. 57.

A PLAT of Twenty three Thousand & forty Acres of Land lying on both Sides of Housatanock River laid out by Timothy Dwight Esq<sup>r</sup> Surveyor & Chainmen on Oath, to fulfill a Grant made by the General Court to the Housatanock Indians & by direction of John Stoddard Ebenezer Pomroy & Thomas Ingersol Esq<sup>r</sup> a Comtee of the General Court for that purpose begining at a Monument of Stones laid up East 3° 15' North four hundred & fifty perch from Joakim Vanvolkenburgs house, from thence North Nine degrees East fifteen hundred and Six perch, to a large white Oak with Stones, about it and marked. Thence West Nine Deg<sup>rs</sup> North Nineteen hundred & twenty perch to three little Hemlocks & a maple marked, on which the Letters **N A S D K** are set; thence South nine degrees West Nineteen hundred & twenty perch to a great white Oak and black Oak mark'd **N A**; thence East nine deg<sup>rs</sup> South nineteen hundred and twenty perch; and from thence North Nine deg<sup>rs</sup> East four hundred and fourteen perch to the Monument first mentioned: The said Joakim Vanvolkenburgs house is North thirty deg. East five Miles & fifty Rods from a Monument of Stones about Sixty Rods northerly from moses Kings house Reputed to be the divisional line between the two Housatanock Townships.

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described be & hereby are confirmed to the Housatamoc Tribe of Indians exclusive of the Lands of Joachim Vanvaulkenebury provided it exceeds not the quantity of six Miles square inclusive of the two sixtieth parts of the township granted to the Reverend M<sup>r</sup> John sargent and M<sup>r</sup> Timothy Woodbridge and the Land<sup>s</sup> granted to the Four English Families by this Court; and does not interfere with any former Grant. [*Passed June 29.*]

## CHAPTER 55.

ORDER IMPOWERING JOHN ALDEN ESQ<sup>R</sup> TO SURVEY AND LAY OUT 250 ACRES OF LAND.

Legislative  
Records of the  
Council, xvi.,  
501.

House Jour-  
nal, p. 70.

A PETITION of John Alden of Duxbury Esq<sup>r</sup> praying for a Grant of province Land in Consideration of his many Services in the Wars against the French & Indians Read & in Answer to this petition

*Ordered* that Two hundred & fifty Acres of the Unappropriated lands of the province be & hereby is given & granted to the said John Alden Esq<sup>r</sup> his heirs and assigns & that he be allowed & Impowred by a Survey<sup>r</sup> & Chainmen on Oath to Survey & lay out the same Adjoining to Some Township & Return a plat thereof to this Court within twelve Months for Confirmation Accordingly. [*Passed June 29.*]

## CHAPTER 56.

## ORDER IMPOWERING JOHN OLD TO FILE A COMPLAINT.

A PETITION of John Old of Suffield in the County of Hampshire, Shewing that Upon his petition to this Court, praying for Liberty to file his Complaint Against Ephraim Hayward of Brookfield, for not prosecuting his Appeal (which Complaint was not filed in Season thro' the Neglect of the pet<sup>r</sup>s Attorney) at the Superiour Court in said County, the pet<sup>r</sup> Obtained an Order in June last for Serving the said Hayward or his Attorney with a Copy, in Order to his giving Answer to the said petition but the said Hayward being withdrawn out of the Government, and leaving no Certain Attorney the pet<sup>r</sup> has failed of any benefit or Relief by his Application to this Court; And therefore praying that he may be Impowred to file his said Complaint at the next Superiour Court for said County.

Legislative  
Records of the  
Council, xvi.,  
468, 501.

House Jour-  
nal, pp. 15, 84.  
*Ante*, p. 283,  
chap. 50.

Read & it Appearing that an Attested Copy of the petition has been left at the House of the said Ephraim Hayward Agreeable to the Order of this Court but no Answer being given in

*Ordered* that the prayer of the petition be Granted and that the pet<sup>r</sup> be Allowed to file his Complaint against the said Hayward at the Superiour Court of Judicature to be held at Springfield for the County of Hampshire on the last Tuesday in September next and the Justices of the said Court are allowed and Impowred to Receive the said Complaint Enter up Judgment and Award Execution Accordingly. [*Passed June 29.*]

## CHAPTER 57.

## ORDER CONFIRMING A PLAT OF UPPER HOUSATANOCK TOWNSHIP.

A PLAT of the Upper Township on Housatanock River taken by Timothy Dwight Esq<sup>r</sup> Survey<sup>r</sup> and Chain men on Oath being of the Contents of Seven Miles Square but the Indian Town lays on it 9,240 Acres So that there is 22,120 Acres Southerly & Easterly of the said Indian Town begining at a White Oak tree which is Sheffield Northwest Corner Running from thence East Nine deg<sup>rs</sup> South 1,902 perch thence Round to the Indian Town and Round by said Town to the South West Corner thereof and from thence to the place where it began

Legislative  
Records of the  
Council, xvi.,  
503.

Legislative  
Records of the  
Council, xvi.,  
410. House  
Journal, p. 90  
(1736). *Ante*,  
p. 212, chap.  
198; p. 384,  
chap. 54.

Read &

*Ordered* that the plat be Accepted and is accordingly Approved. [*Passed June 29.*]

## CHAPTER 58.

## ORDER IMPOWERING SARAH &amp; JOSEPH BRADFORD AS EXECUTORS TO SELL LAND.

A PETITION of Sarah Bradford & Joseph Bradford Executors of John Bradford of Boston deced praying for the order of this Court to make Sale of a part of an Old dwelling house and land belonging to it Situate in Wings lane in Boston which the Testator held in Common with M<sup>r</sup> Charles Apthorp & left to his Children but is of little or no profit being greatly decay'd

Legislative  
Records of the  
Council, xvi.,  
503.

House Jour-  
nal, pp. 55, 65,  
66. Province  
Laws, ii., 151,  
chap. 10.

Read &

*Ordered* that the prayer of the petition be Granted, And the pet<sup>rs</sup> Executors as aforesaid are hereby Allowed & Impowred to make Sale of the Testators part of the House & land & premisses in wings lane in Boston within mentioned; and in proceeding therein, to Observe the Rules & directions of the Act of this province of the Sixth Year of the Reign of his late majesty King George Chap. 3<sup>d</sup> Relating to the Sale of Real Estates and to pass and Execute in due form of law a Good deed or deeds of Sale and Conveyance thereof to the person or persons that will purchase & give Most for the same; provided the pet<sup>rs</sup> give full & Sufficient Caution to the Judge of Probate for the County of Suffolk, That the Testators part of the proceeds of the Sale of the premisses shall be, forthwith put into the hands of the Guardians of the Minors (the Testators Children[<sup>1</sup>])<sup>1</sup> & by them let out at Interest on Good & Sufficient Security which Interest shall be Applied for their use during their Minority; And the principal (with so much of the Interest as shall then Remain) to be paid them as they shall Respectively Arrive at Age or be married in manner Agreeable to the Testators Will. [*Passed June 29.*]

## CHAPTER 59.

### ORDER TO EXCHANGE TORN & DEFACED BILLS.

Legislative  
Records of the  
Council, xvi.,  
504.

House Jour-  
nal, pp. 86, 89,  
90. Province  
Laws, II., 827,  
chap. 9.  
*Ante*, p. 308,  
chap. 107;  
p. 353, chap.  
212.

WHEREAS by an Act made by this Court at their Session in November last the province Treasurer is prohibited Receiving or Exchanging any Bills of Credit on this province that are torn in halves or quarters after the first of July next, and Whereas it hath so happened that the Treasury could not be Supplied with a Sufficient Number of New Bills for Exchanging the same within the time limited in the said Act, And the Twenty thousand pounds then ordered to be Struck off in the Bills of Credit of the former Tenor, for Exchanging of torn and defaced Bills, if they had been all finished by the Committee and put into the Treasury, had not been Sufficient for the said Exchange; which Renders it Necessary not only that a further time be Allowed the Treasurer to Receive in and Exchange the Bills torn & defaced as aforesaid, that are Yet outstanding but that a further number of Bills be Struck off and put into the Treasury for the purpose before mentioned; It is therefore hereby

*Ordered* that the Bills of Credit on this Province that are torn in halves or quarters that shall be brought into the province Treasury on or before the first day of September next, shall be Exchanged by the Treasurer for the value of the parts of said Bills, and that no such Bills be Received or Exchanged afterwards, Unless the person or persons offering the same shall make Oath in manner and form as in said Act is provided; And it is further

*Ordered* that the Com<sup>tee</sup> of this Court for Signing the Bills of Credit of the New tenor, be and hereby are Impowred and directed, as soon as may be, to Cause to be Imprinted and Struck off Ten Thousand pounds in Bills of the New Tenor viz<sup>t</sup> Seven Thousand pounds, part thereof, from the plate of the highest denomination and three Thousand pounds, the Remainder thereof, from the lowest plate and that the Com<sup>tee</sup> Sign the said Bills with all the dispatch they can, and when finished, deliver the same to the province Treasurer, to be Exchanged for torn and defaced Bills; the Exchange in the New Bills to be one

<sup>1</sup> Inserted from the House Journal, p. 66.



for three of the old Tenor; such torn and defaced Bills to be burned & Consumed to Ashes by the said Committee, who are Impowred and Required to give M<sup>r</sup> Treasurer a Receipt for the said Bills, when burned; And the Com<sup>tee</sup> are to take a Receipt of M<sup>r</sup> Treasurer for the New Bills hereby Ordered to be Made & to be paid for their Service Forty one Shillings for Signing & Compleating One Thousand Bills & so in proportion for a greater & lesser Number. [*Passed June 30.*]

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## CHAPTER 60.

### ORDER IMPOWERING MARY SOUDEN TO SELL REAL ESTATE.

A PETITION of Mary Souden of Marblehead Shewing that her husband William Souden has been Absent from her more than five Years beyond the Seas & takes no Care of her Support, that there is lately come to the pet<sup>r</sup> a peice of land being her part of the Real Estate of her late father John Cawley dec<sup>d</sup> praying to be Impowred to sell the same for the Support of herself & her two young Children

Read &

*Ordered* that the prayer of the petition be Granted and the pet<sup>r</sup> with her Brother Moses Calley Esq<sup>r</sup> are fully Authorized & Impowred to make Sale of the land and premisses within mentioned for the most the Same will fetch, and to pass and Execute in due form of Law a good and Sufficient deed or deeds of Sale and Conveyance thereof and in proceeding in the Sale to Observe the Rules and directions of the Act of this province in the Sixth Year of his late Majesty King George Chap. 3<sup>d</sup> Relating to the Sale of Real Estates the whole of the proceeds thereof to be Applied for and towards the Support of the pet<sup>r</sup> and her Children. [*Passed June 30.*]

Legislative  
Records of the  
Council, xvi.,  
505.

House Jour-  
nal, p. 77.  
Province  
Laws, li., 151,  
chap. 10.

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## CHAPTER 61.

### ORDER SUSPENDING THE COLLECTION OF TAXES ON ROBERT POND AND OTHERS OF WRENTHAM PENDING THEIR ERECTION INTO A PRECINCT.

A PETITION of Robert Pond and Others of wrentham praying that for as much as this Court have Continued over their petition to be set of from Wrentham unto the next Session the pet<sup>rs</sup> within the line Mentioned in their former petition may be freed in the mean time from their Tax to the Ministry in the old parish. Read &

*Ordered* that the prayer of the petition be so far Granted as that the Collection of the Tax which may be laid on the pet<sup>rs</sup> by the Town of Wrentham for the Support of the Ministry be Superceeded till the next fall Session. [*Passed June 30.*]

Legislative  
Records of the  
Council, xvi.,  
506.

Legislative  
Records of the  
Council, xvi.,  
393. House  
Journal, p. 91.  
*Ante*, p. 268,  
chap. 19; p. 365,  
chap. 12.

## CHAPTER 62.

ORDER WITH NOTICE REFERRING THE PETITION OF LOT & THO<sup>s</sup> GRAY  
TO BRING FORWARD AN APPEAL, WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvi.,  
506.

House Jour-  
nal, pp. 82, 83.

A PETITION of Lot Gray and Thomas Gray joint Administrators with Thomas Clark Esq<sup>r</sup> to the Estate of John Gray of Harwich in the County of Barnstable deced, Shewing that at the Inf<sup>r</sup> Court of Common pleas for said County held in January last Kenelm Winslow brought his Action for Covenant broken Against all the said Adm<sup>rs</sup> and they brought their Action against him for digging a Way thro<sup>t</sup> their Mill dam and Judgment in both Actions was against the Adm<sup>rs</sup> from which they appealed to the Superiour Court but the said Clerk was artfully drawn off by the said Winslow and therefore Refused to Join with the pet<sup>rs</sup> in prosecuting the said Appeal, praying that they may be Allowed to prosecute the said Appeal by themselves.

Read &

*Ordered* that the pet<sup>rs</sup> Serve the Adverse party, the said Kenelm Winslow Esq<sup>r</sup> with a Copy of the petition, that he Shew Cause, if any he have, on the first Tuesday of the next Sitting of this Court, why the prayer thereof should not be Granted; And the Executions so far as they Relate to the pet<sup>rs</sup> are Stay'd in the meantime, and the petition is Referr'd for Consideration Accordingly.<sup>1</sup> [*Passed June 30.*]

## CHAPTER 63.

ORDER WITH NOTICE REFERRING GERSHOM KEYES PETITION FOR  
RECOGNITION OF HIS CLAIM AGAINST AN INSOLVENT ESTATE.

Legislative  
Records of the  
Council, xvi.,  
509.

House Jour-  
nal, p. 95.

A PETITION of Gershom Keyes Shewing That he is a Considerable Creditor to the Estate of John Neal late of Scituate in the County of Plymouth deced, which has been Represented Insolvent by the Admin<sup>rs</sup> & Commiss<sup>rs</sup> have been accordingly Appointed by the Judge of Probate to Examine the Claims of the Creditors, to whom your pet<sup>r</sup> Sent his papers in due time to prove his Claim, Notwithstanding which, he is Shut out from any part of said Estate; And therefore praying that the said Judge of Probate may be directed to Allow the pet<sup>r</sup> his proper dividend in said Estate

Read &

*Ordered* that the pet<sup>r</sup> Serve the adm<sup>r</sup> of the within mentioned deced, with a Copy of this petition that he Shew Cause if any he have on the first Tuesday of the next Session why the prayer thereof should not be Granted And the Admin<sup>r</sup> is forbidden to make any Distribution of the said Estate & that no process of the Law be had against the Adm<sup>r</sup> touching the Same in the meantime. [*Passed July 1.*]

<sup>1</sup> On December 10, 1737, House Journal, p. 77, this petition was dismissed.

## CHAPTER 64.

## ORDER ON MEMO OF JOS. WELD AND OTHERS OF ROXBURY FOR A COMMITTEE TO VIEW LAND.

A MEMORIAL of Joseph Weld & others a Com<sup>tee</sup> for the Grantees and Inhabitants of Roxbury<sup>1</sup> of a Township in the line of Towns Number three, Shewing that whereas their former petition,<sup>2</sup> Setting forth that the said land is Mountainous and Rocky is Referr'd to the next Session, the Memorialists are Informed that the said land has been Represented Otherwise than they have Set forth And therefore praying that One or more of the Com<sup>tee</sup> of the General Court for laying out said Town Attended with Some of the Memorialists May View the said land and make Report to this Court The Charge to be paid out of the money Received of the Grantees at their Admission

Read &

*Ordered* that the prayer of the petition be Granted The Charge of the Com<sup>tee</sup> and View to be paid out of the Surplusage of the Grantees money as within mentioned. [*Passed July 1.*]

Legislative  
Records of the  
Council, xvi.,  
509.

House Jour-  
nal, pp. 74, 82,  
93.

## CHAPTER 65.

ORDER APPOINTING A COMMITTEE ON JA<sup>s</sup> LEBLONDS PETITION FOR LEAVE TO ENTER A CLAIM AGAINST AN ESTATE.

A PETITION of James Leblond of Boston, One of the Adm<sup>rs</sup> of the Estate of Henry Guinneau deced, and one of his late partners, praying that he may be Enabled by an Order of this Court to lay in his Claim to the Commiss<sup>rs</sup> for Receiving Claims on the said Estate of a debt justly due to the pet<sup>r</sup> Notwithstanding the limited time for giving in Claims is Elapsed

In Council Read together with the Answer of Andrew Faneuil Esq<sup>r</sup>

*Ordered* That John Jeffries & Anth<sup>o</sup> Stoddard Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Represent<sup>a</sup> be a Com<sup>tee</sup> to Consider of this petition in the Recess of the Court, and Report at the next Session what they Judge Proper to be done thereon In the House of Represent<sup>a</sup> Read & Concurr'd & M<sup>r</sup> Cooke M<sup>r</sup> Tho<sup>s</sup> Cushing & M<sup>r</sup> Prout are Joined in the Affair.<sup>3</sup> [*Passed July 2.*]

Legislative  
Records of the  
Council, xvi.,  
489, 510.

House Jour-  
nal, pp. 56, 97.  
*Ante*, p. 342,  
chap. 183.

## CHAPTER 66.

## ORDER IMPOWERING MARY &amp; ELEAZ DORBY EXECUTORS TO ENTER AN APPEAL.

A PETITION of Mary Dorby and Eleazer Dorby Executors of the last will & Testament of Eleazer Dorby late of Boston deced praying to be Allowed a New Trial at the next Superiour Court of Judicature for the County of Suffolk, of an Appeal between the pet<sup>rs</sup> and one George Walker,

Legislative  
Records of the  
Council, xvi.,  
493, 511.

House Jour-  
nal, pp. 26, 99.

<sup>1</sup> In the State Library copy, Legislative Records of the Council, xvi., 509, the words "Inhabitants of Roxbury" are inclosed in parentheses, and the word going before, "and," is omitted.

<sup>2</sup> House Journal, p. 74.

<sup>3</sup> On December 6, 1737, House Journal, p. 64, on the report of the committee, this petition was dismissed.

for as much as the pet<sup>rs</sup> were Nonsuit by Reason of the pet<sup>r</sup> Eleazer Stepping out of Court a few minutes to Call one of his Witnesses

Read, and it Appearing that the Adverse party George Walker has been duly Served with a Copy of this petition and he Neglecting to give in any Answer thereunto, And it Appearing That matters of Fact are as Represented

*Ordered* That the prayer of the petition be Granted and that the pet<sup>rs</sup> be and hereby are Enabled to Enter their Appeal at the next Superiour Court of Judicature to be held at Boston within and for the County of Suffolk on the Second Tuesday of August next (notifying the Adverse party or his Attorney who was Concerned in this Action fourteen days before the Sitting of the said Superiour Court[<sup>1</sup>])<sup>1</sup> And the said Court are hereby Enabled to try the said Action by a Jury Enter up Judgment & award Execution as fully to all Intents as the said Superiour Court could have done if the pet<sup>r</sup> had not been Nonsuit as mentioned in said petition The Record of said Nonsuit or anything to the Contrary Notwithstanding. [*Passed July 2.*]

## CHAPTER 67.

### ORDER IMPOWERING JOHN HILL AND OTHERS TO GIVE NOTICE TO PROPRIETORS IN REGARD TO DELINQUENT TOWNSHIP DUES.

Legislative  
Records of the  
Council, xvi.,  
512.

House Jour-  
nal, p. 98.  
*Ante*, p. 252,  
chap. 288.

A PETITION of John Hill & others proprietors of a Township Granted by this Court to Jonathan Powers John Hammond & others laid out on the Rear of North Yarmouth Shewing that the proprietors of said Township at divers Meetings Regularly Called Voted the building a meeting house laying out ways &c. & also Voted Several Taxes for the defreying of the said Charges but many of the proprietors Neglect & Refuse to pay their Respective proportions And therefore praying that the Com<sup>tee</sup> of the said Propriety may have power to Sell the lands of the defective proprietors for the defreying their part of the said Charges Read & in Answer to this petition

*Ordered*<sup>2</sup> that the Com<sup>tee</sup> of the said propriety be & hereby are Impowered and directed to give Twenty days Notice to each proprietor that has Neglected & does Refuse to pay their part and proportion of the just dues of the said Township to pay in to the Treasurer of the said propriety at the Expiration of the said Twenty days what may be their Respective just dues as aforesaid; And if any or all of them shall Neglect or Refuse to Comply then & in such Case the said Com<sup>tee</sup> shall proceed to Dispose of and Sell their Lots and after Rights belonging thereunto in order to discharge the said Debts and the overplus to be for the Advantage of the propriety and may proceed further to Admit in so many other persons or Grantees in their Stead; provided they give Bond in the like sum and to the same Committee as the other Grantees have given and on the like Conditions. [*Passed July 2.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xvi., 511.

<sup>2</sup> The House Journal, p. 98, reads, "*Voted.*"

## CHAPTER 68.

## ORDER REFERRING TO THE COMMISSIONERS OF THE £100,000 LOAN.

IN THE HOUSE OF REPRESENT<sup>A</sup> Whereas this Court have pass'd Several Votes & Orders to the Commissioners for Letting out the one hundred Thousand pounds Loan enjoining them to Render & finish their Accompts in that affair particularly in January 1735 directing them therein & declaring that no further Accompt should be Received from them after the first day of January last past Notwithstanding which and the many Years are Expired Since the said loans should have been by law finally discharged, And the Accompts Settled and Adjusted, Yet the same has not hitherto been done; and many Inconveniencys may Arise to the province by any further delays for preventing of which

*Ordered* that M<sup>r</sup> Speaker Col<sup>o</sup> Wainwright & M<sup>r</sup> Roland Cotton with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> to Examine the Accompts of the Said Commissioners and Report to this Court at their next Sitting the Several Sums the Commissioners of the Respective Countys are Chargable with, According to the Votes of this Court above Referr'd to, in order that Actions in the Law may be brought Against them as Soon as may be to Oblige them to pay in the Same

In Council Read & Concurr'd & William Dudley Anthony Stoddard & Samuel Welles Esq<sup>rs</sup> are Joined in the affair. [*Passed July 4.*]

Legislative  
Records of the  
Council, xvi.,  
514.

House Jour-  
nal, pp. 80, 103.  
*Ante*, p. 219,  
chap. 217.

## CHAPTER 69.

## ORDER CONFIRMING A PLAT OF 600 ACRES OF LAND TO JOHANNES SPOOR.

A PLAT of Six hundred Acres of land laid out by Timothy Dwight Esq<sup>r</sup> Survey<sup>r</sup> and Chainmen On Oath, lying Westerly from Sheffield, to fulfill a Grant made by this Court to Joannas Spoor which Includes his Improvm<sup>ts</sup>

Read and

*Ordered* That the plat be Accepted, and the Lands therein delineated and described be & hereby are confirmed to the said Johannes spoor his heirs & assigns he or they performing the Conditions of the Grant, and the Lands are subjected to the payment of all rates & taxes that shall at any time hereafter be assessed by this Court or otherwise by order of Law. [*Passed July 4.*]

Legislative  
Records of the  
Council, xvi.,  
516. Maps and  
Plans, Mis.,  
xi., 19.

Maps and  
Plans, Mis.,  
xi., 19. House  
Journal, p. 101.  
*Ante*, p. 320,  
chap. 134.

## CHAPTER 70.

ORDER CONFIRMING A PLAT OF A TOWNSP<sup>E</sup> GRANTED TO GLOCESTER INHABITANTS.

A PLAT of Three Thousand and forty Acres of land laid out by Edward King Survey<sup>r</sup> and Chainmen on Oath, to fulfill a Grant made by this Court of a Township to divers Inhabitants of Glocester, Beginning at the Easterly Corner of a Township laid out to Sundry Inhabitants of Newton lying on the back of North Yarmouth from said Corner Runing North East Adjoyning partly on the back of North Yarmouth

Legislative  
Records of the  
Council, xvi.,  
509. Maps and  
Plans, Mis.,  
xi., 24.

Maps and  
Plans, Mis.,



xi., 24. House  
Journal, p. 92.  
*Ante*, p. 251,  
chap. 284.

and partly on province land, five miles, to a large Maple tree marked on four sides and Sundry Letters; Cut in the bark with the, date of the Year 1737 Thence Extending that full Wedth North West Seven Miles and One fifth part of a Mile, making in all the quantity of Six Miles Square

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described be and hereby are confirmed to the Grantees, the Inhabitants of Gloucester to whom the said Grant was made their Heirs and Assigns respectively for Ever they effectually complying with the Conditions of the Grant provided the plat exceeds not the Quantity of Six Miles square and does not interfere with any former Grant. [*Passed July 5.*<sup>1</sup>]

## CHAPTER 71.

ORDER APPOINTING PERSONS TO RECEIVE NOTICES, SUMMONSES AND PROCESSES FROM THE COMMISSIONERS ON THE NEW HAMPSHIRE LINE.

Legislative  
Records of the  
Council, xvi.,  
515.

Legislative  
Records of the  
Council, xvi.,  
463. House  
Journal, p. 105.  
*Ante*, p. 129,  
chap. 6.

*Ordered* that Josiah Willard Esq<sup>r</sup> Secretary of this Province & Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk be and hereby are Appointed the publick officers on whom or at whose place of abode any Notices Summons or other process of his Majestys Commissions for Settling the Boundary line between this province and the province of New Hampshire may be Served or left. [*Passed July 5.*<sup>2</sup>]

## CHAPTER 72.

ORDER APPOINTING A COMTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF SUFFOLK.

Legislative  
Records of the  
Council, xvi.,  
517.

House Jour-  
nal, p. 103.  
Province  
Laws, ii., 852,  
chap. 1.

In the House of Represent<sup>a</sup>

*Ordered* that Elisha Cooke & Edm<sup>d</sup><sup>3</sup> Quincey Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Comtee and they are hereby fully Authorized and Impowred to let out to Farm the Excise which may arise in the County of Suffolk Agreeable to the Act of the Province in that Case made and provided In Council Read & Concurr'd & William Dudley & Jacob Wendell Esq<sup>rs</sup> are Joined in the Affair. [*Passed July 5.*]

## CHAPTER 73.

ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF ESSEX.

Legislative  
Records of the  
Council, xvi.,  
517.

In the House of Represent<sup>a</sup>

*Ordered* that John Wainwright Esq<sup>r</sup> & Cap<sup>t</sup> John Hobson with such as shall be Joined by the Hon<sup>ble</sup> Board be a Comtee and they are hereby

<sup>1</sup> This date is according to Maps and Plans; according to Legislative Records of the Council the date is July 1.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is July 1.

<sup>3</sup> The House Journal, p. 103, reads, "John."

Impowred to let out to farm the Excise which may Arise in the County of Essex Agreeable to the Act of the Province in that Case made & provided In Council Read & Concurr'd and Thomas Berry and Benjamin Lynde Esq<sup>rs</sup> are Joined in the Affair. [*Passed July 5.*]

House Journal, p. 103.  
Province  
Laws, ii., 852,  
chap. 1.

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## CHAPTER 74.

### ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF MIDDLESEX

In the House of Represent<sup>a</sup>

*Ordered* That Samuel Danforth Esq<sup>r</sup> & Ezek<sup>l</sup> Cheever Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> and they are hereby Impowred to let out to Farm the Excise which may arise in the County of Middlesex Agreeable to the Act of the province in that Case made and provided In Council Read & Concurr'd & Francis Foxcroft & Daniel Russell Esq<sup>rs</sup> are Joined in the affair. [*Passed July 5.*]

Legislative  
Records of the  
Council, xvi.,  
517.

House Journal, p. 103.  
Province  
Laws, ii., 852,  
chap. 1.

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## CHAPTER 75.

### ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF HAMPSHIRE.

In the House of Represent<sup>a</sup>

*Ordered* that Eleazer Porter & Israel Williams Esq<sup>rs</sup> with such as shall be Appointed by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> and they are hereby fully Authorized and Impowred to let out to Farm the Excise which may Arise in the County of Hampshire Agreeable to the Act of this province in that Case made & provided In Council Read & Concurr'd & John Stoddard Esq<sup>r</sup> is Joined in the affair. [*Passed July 5.*]

Legislative  
Records of the  
Council, xvi.,  
517.

House Journal, p. 104.  
Province  
Laws, ii., 852,  
chap. 1.

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## CHAPTER 76.

### ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF WORCESTER.

In the House of Represent<sup>a</sup>

*Ordered* that William Ward and John Chandler Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> and they are hereby fully Authorized and Impowred to let out to Farm the Excise which may Arise in the County of Worcester Agreeable to the Act of this province in that Case made & provided In Council Read & Concurr'd & Joseph Wilder Esq<sup>r</sup> are<sup>1</sup> Joined in the affair. [*Passed July 5.*]

Legislative  
Records of the  
Council, xvi.,  
517.

House Journal, p. 104.  
Province  
Laws, ii., 852,  
chap. 1.

<sup>1</sup> *Sic*; "is," in the State Library copy, Legislative Records of the Council, xvi., 517.

## CHAPTER 77.

## ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF PLYMOUTH.

Legislative  
Records of the  
Council, xvi.,  
517.

House Jour-  
nal, p. 104.  
Province  
Laws, ii., 852,  
chap. 1.

In the House of Represent<sup>a</sup>

*Ordered* that James Warren & Elkanah Leonard Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>ttee</sup> and they are hereby fully Authorized and Impowred to let out to Farm the Excise which may Arise in the County of Plymouth, Agreeable to the Act of this province in that Case made & provided In Council Read & Concurr'd. and John Cushing Esq<sup>r</sup> is Joined in the Affair. [*Passed July 5.*]

## CHAPTER 78.

## ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF BARNSTABLE.

Legislative  
Records of the  
Council, xvi.,  
517.

House Jour-  
nal, p. 104.  
Province  
Laws, ii., 852,  
chap. 1.

In the House of Represent<sup>a</sup>

*Ordered* That John Russell & Stephen Skiffe Esq<sup>rs</sup> with such as shall be Appointed by the Hon<sup>ble</sup> Board be a Com<sup>ttee</sup> and are hereby fully Authorized and Impowred to let out to Farm the Excise in the County of Barnstable Agreeable to the Act of the Province in that Case made and provided

In Council Read & Concurr'd & Meletailh Bourne Esq<sup>r</sup> is Joined in the Affair. [*Passed July 5.*]

## CHAPTER 79.

## ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF BRISTOL.

Legislative  
Records of the  
Council, xvi.,  
518.

House Jour-  
nal, p. 104.  
Province  
Laws, ii., 852,  
chap. 1.

In the House of Represent<sup>a</sup>

*Ordered* That Job Almy & Joseph Mason Esq<sup>rs</sup> with such as [s]hall be Appointed by the Hon<sup>ble</sup> Board be a Committee and are hereby fully Authorized and Impowred to let out to Farm the Excise in the County of Bristol Agreeable to the Act of this province in that Case made and provided In Council Read & Concurr'd & Seth Williams Esq<sup>r</sup> is Joined in the Affair. [*Passed July 5.*]

## CHAPTER 80.

## ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF YORK.

Legislative  
Records of the  
Council, xvi.,  
518.

House Jour-  
nal, p. 104.  
Province  
Laws, ii., 852,  
chap. 1.

In the House of Represent<sup>a</sup>

*Ordered* That M<sup>r</sup> Richard Milbery & M<sup>r</sup> Moses Pierson with such as shall be Appointed by the Hon<sup>ble</sup> Board be a Committee and are hereby fully Authorized and Impowred to let out to Farm the Excise in the County of York Agreeable to the Act of the province in that [case]<sup>1</sup> made and provided In Council Read & Concurr'd & William Pepperill & Jeremiah Moulton Esq<sup>rs</sup> are Joined in the Affair. [*Passed July 5.*]

<sup>1</sup> Inserted from the House Journal, p. 104.

## CHAPTER 81.

## ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF DUKES.

In the House of Represent<sup>a</sup>

[*Ordered, That*]<sup>1</sup> Pain Mayhew Esq<sup>r</sup> with such as shall be Appointed by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> & are hereby fully Authorized & Impowred to let out to Farm the Excise in the County of Dukes County Agreeable to the Act of this Province in that Case made & provided

In Council Read & Concurr'd & Zachens Mahew Esq<sup>r</sup> is Joined in the Affair. [*Passed July 5.*]

Legislative  
Records of the  
Council, xvi.,  
518.

House Jour-  
nal, p. 104.  
Province  
Laws, ii., 852,  
chap. 1.

## CHAPTER 82.

## ORDER APPOINTING A COMMITTEE FOR LETTING OUT THE EXCISE IN THE COUNTY OF NANTUCKET.

In the House of Represent<sup>a</sup>

*Ordered* that George Bunker Esq<sup>r</sup> with such as shall be Joined by the Hon<sup>ble</sup> Board be a Com<sup>tee</sup> and are hereby fully Authorized and Impowred to let out to Farm the Excise in the County on Island of Nantuckett Agreeable to the Act of the province in that Case made and provided In Council Read & Concurr'd & Cap<sup>t</sup> Ebenezer Gardner is Joined in the Affair. [*Passed July 5.*]

Legislative  
Records of the  
Council, xvi.,  
518.

House Jour-  
nal, p. 104.  
Province  
Laws, ii., 852,  
chap. 1.

## CHAPTER 83.

## ORDER IMPOWERING A COMMITTEE TO SIGN THE SMALL BILLS OF CREDIT.

*Ordered* that the Small Bills of Credit, Agreed to be made in the present Session of the Court, & Exchanged by the Treasurer for Bills of Credit of a larger Denomination be Signed by One of the Com<sup>tee</sup> for Signing the Bills of Credit of the New Tenor in Such Order as the said Com<sup>tee</sup> shall project. [*Passed July 5.*]

Legislative  
Records of the  
Council, xvi.,  
520.

Legislative  
Records of the  
Council, xvi.,  
480, 512, 513, 514.  
House Jour-  
nal, p. 107.  
*Ante*, p. 353,  
chap. 212.

## CHAPTER 84.

## ORDER FOR SUPPLYING £200 TO AGENT WILKS.

*Ordered* That M<sup>r</sup> Treasurer Foye be directed to furnish M<sup>r</sup> Agent Wilks in the best manner he can by Bills of Exchange, the sum of Two hundred pounds Sterling to Enable him to Manage the publick Affairs of this Province at the Court of Great Britain M<sup>r</sup> Agent to be Accountable for the money. [*Passed July 5.*]

Legislative  
Records of the  
Council, xvi.,  
520.

House Jour-  
nal, p. 105.

<sup>1</sup> Inserted from the House Journal, p. 104.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FOURTH DAY OF AUGUST, A.D. 1737.

## CHAPTER 85.

ORDER FOR ADJOURNING THE SUPERIOR COURT OF JUDICATURE  
COURT OF ASSIZE AND GENERAL GOAL DELIVERY OF THE COUNTY  
OF SUFFOLK.

Legislative  
Records of the  
Council,  
xvii. (1), 4.

House Jour-  
nal, pp. 8, 9.  
Province  
Laws, ii., 339,  
chap. 11.

WHEREAS sundry of the Members of the Superior Court of Judicature, Court of Assize, and General Goal Delivery, appointed to be held and kept at Boston within and for the County of Suffolk, upon the Second Tuesday of August Instant, and others therein concerned, are also Members of the Great and General Court or Assembly which is now and undoubtedly will be then sitting, whose attendance at this Court may be very necessary:

*Ordered:* that the said Court be and hereby is adjourned to Tuesday the thirtieth day of August instant, at ten of the Clock in the forenoon; of which all persons concerned are required to take notice and conform them selves accordingly; And the Sheriff of the said County is directed forthwith to publish this Order in the Town of Boston and such other places as may be most likely to give speedy notice thereof throughout the County. [*Passed August 5.*]

## CHAPTER 86.

ORDER ALLOWING £20 TO RICHARD HUBBARD.

Legislative  
Records of the  
Council,  
xvii. (1), 5.

House Jour-  
nal, p. 4.

*Ordered* that the sum [of]<sup>1</sup> Twenty Pounds of the Bills of the new Tenour be granted and allowed to be paid out of the publick Treasury to Mr Richard Hubbard, Door Keeper to His Excellency the Governor and this Court, in part for his service the Year Curr<sup>t</sup> which will determine the nineteenth of February next. [*Passed August 5.*]

## CHAPTER 87.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR  
OF THE LINE BETWEEN MASSACHUSSETTS AND NEW HAMPSHIRE.

Legislative  
Records of the  
Council,  
xvii. (1), 5.

Legislative  
Records of the  
Council, xvi.,

THE COMMITTEE of the two Houses to whom was refer'd the consideration of the Controversy between this Province and New Hampshire, concerning their Boundary Lines, have carefully searched into that affair, and prepared a State of the Demands<sup>2</sup> of this Province, and are of opinion that it is necessary that this Court, as soon as may

<sup>1</sup> Inserted from the House Journal, p. 4.

<sup>2</sup> "The Demands aforesaid referred to in the aforesaid Report, and as agreed to by the Court to be delivered to the honourable the said Commissioners are as follows, *viz.*



be, should appoint Agents to lay the said State before the Hon<sup>ble</sup> His Majestys Commissioners and support the Demand aforesaid, by all proper methods, as they shall judge needful in behalf of this Province.

In the name & by Order of the Comm<sup>tee</sup> EDM<sup>d</sup> QUINCY.

Read and

Ordered, that this Report be accepted.<sup>1</sup> [*Passed August 5.*]

PROVINCE OF THE  
MASSACHUSETTS-BAY.

TO THE HONOURABLE HIS MAJESTY'S COMMISSIONERS FOR MARKING OUT AND SETTLING THE BOUNDARIES BETWEEN THE PROVINCE OF THE *Massachusetts-Bay*, AND THE PROVINCE OF *New-Hampshire*, AS WELL ON THE SOUTHERN AS ON THE NORTHERN PART OF *New-Hampshire*.

A BRIEF AND PLAIN STATE OF THE CLAIMS AND DEMANDS OF THE PROVINCE OF THE *Massachusetts Bay*, TOUCHING THE BOUNDARIES AFORESAID, BY THEM PRESENTED.

WHEREAS *His Majesty King CHARLES the first, by his Letters Patents, dated March 4th. 1628, Erected the Colony of the Massachusetts-Bay into a Corporation Government, describing their Bounds to comprehend all the Lands lying between Merrimack River and Charles River, and all the Lands lying within three Miles on the south Side of Charles River, or any Part of it, and all the Lands lying within three Miles and to the Northward of Merrimack River, or any Part of it; and all the Lands within the Limits aforesaid North and South in Latitude and Breadth, and in Length and Longitude, within all the Breadth aforesaid throughout the Main Lands from the Atlantick Ocean, to the South Sea.*

*And afterwards by his Letters Patents dated Anno 1635, erected the Province of Main, bounding it on the south West thus, viz. Beginning at the Entrance of Piscataqua Harbour, passing up the same to the River Newickwannock, through that to the farthest Head thereof, and from thence to run Northwestward till one hundred and twenty Miles be finished.*

*On the 26th. of July 1677. Upon the Petition of Mr. Mason and Mr. Gorges against the Colony of the Massachusetts Bay, the northern Bounds of this Colony were brought in Judgment before His Majesty King CHARLES the second, and after several References and Hearings, His Majesty's final Judgment in Council thereon was given, viz that the North and South Bounds of this Colony so far as the Rivers extend, shall follow the Course of the Rivers, but when those known Boundaries determine, the Breadth shall be carried on by imaginary Lines to the South Sea.*

*Upon that suprem judicial Determination, and within two Years after it [1679, in margin], King CHARLES the second, by his Letters Patents, Erected the Province of New-Hampshire, bounding the same from three Miles northward of Merrimack River, or any Part thereof, to the Province of Main.*

*King WILLIAM and Queen MARY by their Letters Patents dated the 7th. of October 1691, united the late Colony of the Massachusetts and the Province of Main, with other adjacent Territories, and Erected them into one real Province, by the Name of the Province of the Massachusetts Bay in New-England, with which the southern and northern Boundaries of New-Hampshire are now to be settled, marked out, and Plans thereof made, to prevent all future Disputes concerning the same.*

NOW THEREFORE, Pursuant to these ancient Grants from the Crown, made above a hundred Years ago, Acknowledged and more particularly Explained in that judicial Determination of the King in Council, and recited and confirmed in the Province CHARACTER; the Province of the *Massachusetts-Bay*, Claim and Demand still to hold and possess by a boundary Line on the southerly Side of *New-Hampshire*, beginning at the Sea three English Miles North from the *Black Rocks* so called, at the Mouth of the River *Merrimack*, as it emptied it self into the Sea sixty Years ago, thence running parallel with the River as far Northward as the Crotch or parting of the River, thence due North as far as a certain Tree commonly known for more than seventy Years past by the Name of *Endicott's Tree*, standing three english Miles Northward of said Crotch or parting of *Merrimack River*, and from thence due West to the South Sea; which they are able to prove by ancient and incontestible Evidences, are the Bounds intended granted and adjudged to them as aforesaid; which Grant and Settlement of King CHARLES the second, Anno 1677 as abovesaid, we insist upon as conclusive and irrefragable.

And on the northerly side of *New-Hampshire* a boundary Line beginning at the Entrance of *Piscataqua Harbour*, passing up the same to the River *Newickwannock*, through that to the farthest Head thereof, and from thence a due Northwest Line till one hundred and twenty Miles from the Mouth of *Piscataqua Harbour* be finished, which is the extent of the Province of the *Massachusetts* on that Part: And therefore we doubt not but that you will judge it just and reasonable to order the Bounds and Lines before mentioned to be run, marked out and established accordingly, so far as *New-Hampshire* extends; and desire that Plans thereof may be made for the perpetual Remembrance of them." — House Journal, pp. 5-7.

For an account of the appointment of commissioners, see the House Journal, August, 1737, pp. 31, 32, 33; for an account of the claims of New Hampshire, see the House Journal, August, 1737, pp. 33, 34, 35; for the decision of the commissioners, see the House Journal, pp. 35, 36.

<sup>1</sup> Immediately after the foregoing occurs the following separate and distinct record, but relating to the "State of the Demand" mentioned in the report:—

"On the State of the Demand of this Province, above refer'd to

In Council; Read and Accepted, with the Amendments

In the House of Represent<sup>ves</sup> Read and Concur'd

Consented to

J. BELCHER"

This part of the record is probably out of place. The "amendments" referred to seem to be those named in chap. 90, in regard to sending expresses, etc., to the commissioners.

438, 483, 516.  
House Journal, pp. 5, 6, 7,  
31, 32, 33, 34, 35,  
36. *Ante*,  
p. 392, chap. 71.  
*Infra*, chap. 88.

## CHAPTER 88.

VOTE APPOINTING AGENTS TO APPEAR BEFORE THE COMMISSIONERS TO SETTLE THE BOUNDARIES BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE.

Legislative  
Records of the  
Council,  
xvii. (1), 6.

House Jour-  
nal, p. 7.  
*Supra*, chap.  
87. *Infra*,  
chap. 90.

In the House of Representatives

*Voted* that Elisha Cook Esq<sup>r</sup> M<sup>r</sup> Thomas Cushing, Job Almy Esq. Henry Rolfe Esq. and M<sup>r</sup> Nathaniel Peesely with such as shall be joined by the Hon<sup>ble</sup> Board, be appointed Agents in behalf of this Province, and are hereby fully authorized and empowered to appear before the Hon<sup>ble</sup> His Majesty's Commissioners appointed to settle the Boundaries between this Province and New Hampshire (any five of whom to be a Quorum) and that they lay the State of the Claims and Demands of this Province relating to the said Boundaries before them, and support the same in the best manner they can.

In Council: Read and Concur'd, and Edmund Quincy, William Dudley, Samuel Welles, Thomas Berry & Benjamin Lynde Jun<sup>r</sup> Esq<sup>rs</sup> are joined in the affair. [*Passed August 5.*]

## CHAPTER 89.

ORDER REFERRING PETITIONS &c TO THE NEXT SESSION.

Legislative  
Records of the  
Council,  
xvii. (1), 6.

House Jour-  
nal, p. 9.

*Ordered*, that all Petitions and other matters that were referr'd over to this Session of the General Court, for consideration, be continued and further refer'd to the next Sitting of the Court in Boston, and that they have the same day in that Sitting which they ought to have had respectively in this. [*Passed August 5.*]

## CHAPTER 90.

VOTES ON THE ORDER FOR SENDING TO THE COMMISSIONERS RESIDING IN NEW YORK AND NEW JERSEY.

Legislative  
Records of the  
Council,  
xvii. (1),  
3 *bis*, 7.

Legislative  
Records of the  
Council,  
xvii. (1), 4 *ter*,  
7 *bis*. House  
Journal, pp. 4,  
7, 10. *Supra*,  
chap. 88.  
*Infra*, chap.  
92.

IN THE HOUSE OF REPRESENT<sup>IVES</sup> Inasmuch as there is but a small number of the Hon<sup>ble</sup> the Commissioners appointed by His Majesty to settle the Boundaries between this Province and that of New Hampshire already met for that purpose, the determination of which affair greatly affects this Province; Therefore

*Voted*, that *Expresses* be immediately dispatched to the Province of New York and the Jerseys in the name of this Government, to the Hon<sup>ble</sup> the Commiss<sup>rs</sup> there, earnestly desiring they would *without delay* repair to and join with the Commissioners now assembled for inquiring into and adjusting the controverted Boundaries aforesaid, agreeable to His Majestys Royal Commission.

In Council: Read and Concur'd with the Amendments viz<sup>t</sup> instead of the word *Expresses*, *Letters*, and instead of the words *Without delay*, the words *As soon as may be*. And

*Voted* that Thomas Berry Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House of Representatives shall join, be desired to carry the said Letters to New York, and with them to wait on the Hon<sup>ble</sup> George Clark Esq<sup>r</sup> His Majesty's Lieutenant Governor of the said Province, and the other Commissioners

in that City, and dispatch from thence the letters to the Commiss<sup>rs</sup> in New Jersey as soon as may be; And that John Cushing Esq<sup>r</sup> with such as shall be appointed by the Hon<sup>ble</sup> House be desired to wait on the Hon<sup>ble</sup> Philip Livingstone Esq<sup>r</sup> at Albany, with a letter to the same effect.

[The House of Representatives non-concurred in the amendments of the Council, and a conference of the two houses was finally had; whereupon]

In Council; A Conference being had by both Houses on the subject matter of the foregoing Vote, the Question was put Whether the Board adhere to the Vote as by them amended? And it was pass'd in the Affirmative.

In the House of Represent<sup>ves</sup> Read and Concur'd, and M<sup>r</sup> Rowland Cotton is joined with Thomas Berry Esq<sup>r</sup> and M<sup>r</sup> James Skinner with James<sup>1</sup> Cushing Esq<sup>r</sup> in the affair aforesaid. [*Passed August 5.*]

## CHAPTER 91.

ORDER ALLOWING THE ACC<sup>t</sup> OF THE TREAS<sup>r</sup> OF MIDDLESEX COUNTY.

AN ACCOMPT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the Year 1736, having been laid before the Court of General Sessions of the Peace for said County and by them allow'd:

Read and

*Ordered* that the Aceompt be allowed and that the Accomptant Daniel Russel Esq<sup>r</sup> be further accountable for the Ballance being Sixty Eight Pounds Six shillings and Eight pence to the said County of Middlesex. [*Passed August 5.*]

Legislative  
Records of the  
Council,  
xvii. (1), 8.

House Jour-  
nal, p. 3.

## CHAPTER 92.

ORDER ALLOWING £100 TO THE AGENTS FOR Y<sup>e</sup> LINE BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE.

*Ordered*, that the sum of One Hundred Pounds of the Bills of the new Tenour be granted and allowed to be paid out of the Publick Treasury to the Agents of this Province appointed to lay the State of the Claims of the Province, as to the Boundaries with New Hampshire, before the Commiss<sup>rs</sup> appointed by His Majesty relating to that affair, to enable the said Agents to defray the Charge which may arise therein, and they to be accountable for the said sum. [*Passed August 5.*]

Legislative  
Records of the  
Council,  
xvii. (1), 8.

House Jour-  
nal, p. 9.  
*Ante*, p. 338,  
chap. 88.  
*Supra*, chap.  
90. *Infra*,  
chap. 93.

## CHAPTER 93.

ORDER ALLOWING £80 TO COLL. BERRY & COLL. CUSHING.

*Ordered*, that the Sum of Eighty Pounds of the Bills of the new Tenour be granted and allowed to be paid out of the Publick Treasury to Thomas Berry and John Cushing Esq<sup>rs</sup> to enable them to defray the charge of the Journey to New York and Albany by order of this Court, for the expence of which they are to be accountable. [*Passed August 6.*]

Legislative  
Records of the  
Council,  
xvii. (1), 9.

House Jour-  
nal, p. 11.  
*Ante*, p. 338,  
chap. 90.  
*Supra*, chap.  
92. *Infra*,  
chap. 94.

<sup>1</sup> "John," in the House Journal, which is according to the Legislative list.

## CHAPTER 94.

ORDER ALLOWING £5 TO CPT. SAM<sup>LL</sup> HUNT.

Legislative  
Records of the  
Council,  
xvii. 1, 9.

House Jour-  
nal, p. 11.  
*Supra*, chap.  
93. *Infra*,  
chap. 95.

*Ordered* that the sum of Five Pounds of the Bills of the new Tenour be granted & allowed to be paid out of the Publick Treasury to Captain Samuel Hunt to enable him to defray the charge which may arise in effecting the business committed to him by the Agents of the Province relating to the Boundaries with New Hampshire, for the expence whereof the said Cpt. Hunt is to be accountable. [*Passed August 6.*]

## CHAPTER 95.

VOTE FOR AN ALLOWANCE TO THE COMM<sup>RS</sup> ON THE LINE BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE.

Legislative  
Records of the  
Council,  
xvii. 1, 11.

House Jour-  
nal, p. 14.  
*Supra*, chap.  
94. *Infra*,  
chap. 95.

WHEREAS it hath pleased His Majesty to appoint under the Great Seal Commissioners for marking out and settling the Boundary Lines between this His Majestys Province and the Province of New Hampshire, in pursuance whereof several of the said Commissioners have already met; And inasmuch as an affair of so great importance will in the nature thereof require much time and pains, and those Hon<sup>ble</sup> Gentlemen will be necessarily detained from their respective private concerns very much to their detriment; Therefore

*Voted* that it be an instruction to the Agents of this Province appointed to appear before the said Commissioners on that affair, to assure the Hon<sup>ble</sup> Commiss<sup>rs</sup> now attending or that shall attend the aforesaid service that they shall have and receive on the part of this Province, a just & generous consideration, suitable to their dignity and the importance of the Affair. [*Passed August 10.*]

## CHAPTER 96.

## VOTE DIRECTING THE AGENTS APPOINTED ON THE MASSACHUSETTS AND NEW HAMPSHIRE BOUNDARY LINE TO APPEAR BEFORE THE COURT OF COMMISSIONERS.

Legislative  
Records of the  
Council,  
xvii. (1), 12.

House Jour-  
nal, p. 16.  
*Supra*, chap.  
95. *Infra*,  
chap. 97.

THE AGENTS for this Province on the affair of the Line [brought in] their Memorial to the Commissioners at Hampton referring to a Plat of Merrimack River, as likewise for claiming the liberty of being heard by Council learned in the Law to support their Demand; Which was read and sent down: As also

A Recommendation of the Court of Commissioners at Hampton to the General Assemblies of both Provinces, to agree upon a Plat of Merrimack River, to prevent loss of time and the charge that will arise in surveying the same.

Read, & in consideration of what is within recommended by the Hon<sup>ble</sup> the Commissioners:

*Voted*; that the Agents of the Province appointed to appear before them, with Benjamin Prescot and Joseph Blanchard Esq<sup>rs</sup> (any five of them to be a Quorum) be a Committee on the part of this Province to confer with such Committee as shall be appointed by and on the part of the Province of New Hampshire, in order for an Agreement upon



a Plan which they shall think proper for the two Provinces to lay before the Court of Commissioners, for giving a right understanding of the Affair of the Boundaries in controversy between the said Provinces; The Committees to report to the General Courts now assembled respectively thereon, as soon as may be. [*Passed August 12.*]

## CHAPTER 97.

ORDER FOR APPOINTING MESS<sup>RS</sup> ROBERT AUKMUTY AND JOHN READ, ESQ<sup>S</sup> AGENTS ON THE MASSACHUSETTS AND NEW HAMPSHIRE LINE.

WHEREAS one of the Agents appointed to appear before the Court of Commissioners on the New Hampshire Boundaries is called out of the Province, and the business of another will speedily demand his attendance out of the Province also:

*Voted*, that Robert Aukmuty and John Read Esq<sup>rs</sup> be and hereby are authorized and impowered Agents, and are accordingly joined with the other Agents to appear before the said Hon<sup>ble</sup> Commissioners in the said Affair, any five of the said Agents to be a Quorum. [*Passed August 12.*]

Legislative  
Records of the  
Council,  
xvii. (1), 13.

House Jour-  
nal, p. 15.  
*Ante*, p. 398,  
chap. 88.  
*Supra*, chap.  
96. *Infra*,  
chap. 98.

## CHAPTER 98.

ORDER REQUESTING THE GENERAL COURT OF THE PROVINCE OF NEW HAMPSHIRE TO APPOINT A COMMITTEE TO CONFER WITH A COMMITTEE FROM MASSACHUSETTS UPON THE CONTROVERTED BOUNDARY LINE.

WHEREAS upon the recommendation of the Hon<sup>ble</sup> His Majesty's Commissioners for marking out and settling the Boundaries with New Hampshire, this Court passed a Vote for appointing a Committee to confer with a Committee that may be appointed by and on the part of the Province of New Hampshire, in order for an Agreement on some Plan which may be thought proper to be exhibited by the two Provinces to the Hon<sup>ble</sup> Court of Commissioners, for giving a right understanding in the affair of the controverted Boundaries; and this Court being very desirous that a speedy and just decision may be put to the said Controversys:

*Ordered*, that the General Assembly of the Province of New Hampshire now convened, be forthwith informed of the proceedings of this Court herein, and to move they would raise and impower a Committee to confer with a Committee of this Court on the Premises, and that Report be made respectively to both General Courts as soon as may be. [*Passed August 13.*]

Legislative  
Records of the  
Council,  
xvii. (1), 15.

House Jour-  
nal, p. 17.  
*Ante*, p. 400,  
chap. 96.  
*Supra*, chap.  
97. *Infra*,  
chap. 99.

## CHAPTER 99.

ORDER ACCEPTING A PLAN OF THE MERRIMACK RIVER.

THE COMMITTEE appointed to confer with the Committee of New Hampshire in order for the respective General Courts agreeing on, & presenting to the Court of Comm<sup>rs</sup> a Plan or draught of Merrimack & Newichawanick River: Do Report, that they have attended

Legislative  
Records of the  
Council, xvii.,  
Mis., 1. Mass.  
Archives, v.,  
65.



Legislative  
Records of the  
Council,  
xvii. (1), 17.  
House Jour-  
nal, p. 20.  
*Ante*, p. 400,  
chap. 95.  
*Supra*, chap.  
98. *Infra*,  
chap. 100.

that service in Salisbury the last Tuesday, and laid before the said Committee of New Hampshire, a draught or Map of the River, now and always known and called by the name of Monomaek alias Merrimack, who agreed to its being a true Plan of the said River; and that it should be presented to the respective General Courts. The said Committee of New Hampshire offered to us a Plan of part of Newichawanick River, and acquainted us, that a Surveyor was then perfecting the survey of that River in order to compleat the said Plan; and to which we objected not: This Committee Do therefore herewith humbly present the aforesaid draught or Map of Monomaek alias Merrimack from the Crotch or parting thereof into two equal Streams, down to the mouth thereof, or where it empties itself into the Sea, being a full mile more Southward than where it formerly did, near the Black Rocks, that so the same may be approved of by both Courts & presented to the Hon<sup>ble</sup> Commissioners for making out & settling the Boundaries between the two Provinces, according to their Recommendation.

By Order of the Committee

Salisbury 18. Aug: 1737.

W<sup>M</sup> DUDLEY

Read &

*Ordered* that this Report be Accepted and that the plan hereunto annexed be accordingly presented to the Hon<sup>ble</sup> Commissioners as a true Draught of the River Merrimack agreeable to their Recommendation. [*Passed August 18.*]

## CHAPTER 100.

### VOTE FOR THE PLAN OF MERRIMACK RIVER TO BE LAID BEFORE NEW HAMPSHIRE ASSEMBLY.

Legislative  
Records of the  
Council,  
xvii. (1), 18.

House Jour-  
nal, p. 20.  
*Supra*, chap.  
99. *Infra*,  
chap. 101.

THIS COURT having upon the recommendation of the Court of Commiss<sup>rs</sup> agreed upon a Plan or Draught of the River Merrimack to be laid before them;

*Voted* that a copy of the said Plan and the Comm<sup>tees</sup> Report and the Order of this Court thereon, be exhibited to the General Court of the Province of New Hampshire, in order to their agreeing with this Court in presenting the said Plan to the Commissioners. [*Passed August 18.*]

## CHAPTER 101.

### VOTE ADJUSTING THE PAY OF THE MEMBERS OF THIS COURT.

Legislative  
Records of the  
Council,  
xvii. (1), 18.

House Jour-  
nal, p. 21.  
*Supra*, chap.  
100. *Infra*,  
chap. 102.

WHEREAS His Majesty has been graciously pleased to appoint Commissioners for marking out and settling the Boundaries between his two Provinces of the Massachusetts Bay and New Hampshire, and in order thereto the said Commiss<sup>rs</sup> have opened their Court at Hampton, and for an easy and speedy Communication between the General Assemblies of the two Provinces in facilitating the affair before the Hon<sup>ble</sup> Court of Commiss<sup>rs</sup>, His Excellency the Governor has ordered both Assemblies to convene and sit as near each other as may be; And the just settlement of the said Boundaries being a matter of great consequence to this Province, and many inconveniences and extraordinary charges are found arising to most of the Members of the Court in their travelling to and sitting in the Town of Salisbury, more than forty miles dis-

tant from Boston, the usual place of the Courts sitting, and it being an exceeding busy season of the year, which will also occasion a considerable charge to the Members in hiring labourers for gathering in the present Harvest; Therefore

*Voted*, that there be granted and allowed to be paid out of the Publick Treasury to the Members of the Hon<sup>ble</sup> His Majesty's Council for travelling to and from the Court and attendance in the present Sitting at Salisbury, of the bills of the new Tenour, after the rate of Five Shillings per diem, upon M<sup>r</sup> Secretary's Certificate, and to the Members of the House of Representatives for their travel and attendance as aforesaid, after the rate of Three Shillings and four pence of the said Bills per diem, upon Certificate from the Clerk of the House; the Bills that shall be paid out of the Treasury to be drawn in again with the other principal Debt, by taxes &c. [*Passed August 19.*]

## CHAPTER 102.

### ORDER ADJOURNING THE SUPERIOR COURT OF JUDICATURE COURT OF ASSIZE AND GENERAL GOAL DELIVERY OF SUFFOLK COUNTY.

WHEREAS the Great and General Court or Assembly is now and undoubtedly will be sitting on Tuesday the thirtieth instant, at which time the Superior Court of Judicature, Court of Assize and General Goal Delivery, appointed to be held and kept at Boston, within and for the County of Suffolk, upon the Second Tuesday of this Month stands adjourned by a former Order of this Court

Legislative  
Records of the  
Council,  
xvii. (1), 20.

House Journal,  
p. 23.  
*Ante*, p. 396,  
chap. 85.

*Ordered*: that the Said Superior Court of Judicature and Court of Assize be and hereby is further adjourned to Tuesday the fifteenth day of November next at ten of the Clock in the Forenoon; Of which all Persons concerned are desired to take notice and conform themselves accordingly; And the Sheriff of the said County is directed forthwith to publish this Order in the Town of Boston and such other places as may be most likely to give speedy notice thereof thro' out the County. [*Passed August 23.*]

## CHAPTER 103.

### ORDER ALLOWING £500 FOR THE CHARGE OF SETTLING THE LINE.

*Ordered* that the sum of Five Hundred Pounds of the Bills of the new Tenour be granted and allowed to be paid out of the Publick Treasury to the Agents of the Province, for laying the State of the Claims to the Boundaries with New Hampshire before the Hon<sup>ble</sup> the Court of Commiss<sup>rs</sup> appointed to settle that affair, to enable the Agents to defray the charge which may arise therein, and they to be accountable for the s<sup>d</sup> sum. [*Passed August 24.*]

Legislative  
Records of the  
Council,  
xvii. (1), 20.

House Journal,  
p. 24.  
*Supra*, chap.  
101. *Infra*,  
chap. 104.

## CHAPTER 104.

ORDER DIRECTING THE AGENTS FOR THE LINE TO LAY AN ACCT OF THEIR PROCEEDINGS BEFORE THE COURT, DE DIE IN DIEM.

Legislative  
Records of the  
Council,  
xvii. (1), 21.

House Jour-  
nal, p. 24.  
*Supra*, chap.  
103.

*Ordered* that the Agents appointed in behalf of this Province to appear before the Hon<sup>ble</sup> His Majesty's Court of Commiss<sup>rs</sup> now sitting at Hampton, lay before this Court, at such times as it shall be fitting, an account of their proceedings in that affair de Die in Diem; that so the Court may be the better enabled to act what may be thought proper relating thereto. [*Passed August 24.*]

## CHAPTER 105.

ORDER ALLOWING THE BRISTOL CO: TRER<sup>s</sup> ACCT.

Legislative  
Records of the  
Council,  
xvii. (1), 21.

House Jour-  
nal, p. 3.

AN ACCOMPT presented by Samuel Howland Treasurer of the County of Bristol for the year 1736 having been presented to the Court of General Sessions of the Peace for the said County and by them allowed:

Read, and

*Ordered* that the Accompt be allowed and that the Accomptant M<sup>r</sup> Samuel Howland be further accomptable to the County of Bristol for the Ballance, being Sixty two Pounds three Shillings and Ten pence, and Three Hundred and nine Pounds Sixteen Shillings and eight pence, outstanding Debts. [*Passed August 24.*]

## CHAPTER 106.

ORDER CALLING A MEETING OF THE GRANTEES OF Y<sup>e</sup> NEW TOWNS ON THE ROAD FROM WESTFIELD TO SHEFFIELD.

Legislative  
Records of the  
Council,  
xvii. (1), 22.

Mass.  
Archives, cxx.,  
711–713. House  
Journal, pp. 24,  
25. *Ante*,  
p. 232, chap.  
240.

*Voted*, that Nathaniel Harrington of Walerstown<sup>1</sup> be and is hereby fully authorized and impowered to assemble and convene the Grantees or Proprietors of the township Number One, that Nahum Ward Esq<sup>r</sup> of Shrewsbury be and is hereby in like manner impowered to assemble the Grantees or Proprietors of the township Number Two, that Cpt. Moses Rice of Worcester in like manner assemble the Grantees or Proprietors of the township Number Three, and that M<sup>r</sup> Ebenezer Witt of Marlboro' in like manner assemble the Grantees or Proprietors of the Township number Four on or near the Road from Westfield to Sheffield; All the said Grantees and Proprietors afore named of the Townships aforesaid,<sup>2</sup> to assemble in such places as they shall be respectively notified and warned to convene and assemble at by the Persons thereto respectively impowered as aforesaid; The Proprietors of each Township so assembled to chuse a Moderator and Clerk and Committee to allot and divide their lands, and to dispose of the same, and to pass such Votes and Orders as may by them be tho't conducive for the speedy fulfillm<sup>t</sup> of the conditions of their grants; and also to agree upon methods for calling Meetings for the future: Provided none of their Votes concerning the dividing or disposing of their lands that shall be pass'd while

<sup>1</sup> The House Journal, p. 24, reads, "Walerstown."

<sup>2</sup> 1. Tyringham. 2. New Marlborough. 3. Sandisfield. 4. Becket.

they are under the direction of the Committee of this Court, shall be of force before they are allowed of by the said Committee. [*Passed August 25.*]

## CHAPTER 107.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE COUNTY TRE<sup>R</sup> OF SUFFOLK.

AN ACCOMPT presented by William Dudley Esq. Treas<sup>r</sup> of the County of Suffolk for the Year 1736 having been laid before the Court of General Sessions of the Peace for the said County and by them allowed :

Read and

*Ordered* that the Accompt be allowed, the Ballance whereof being Ten pounds Fifteen Shillings and Nine Pence, the Accomptant William Dudley Esq<sup>r</sup> is further to be accountable for to the County of Suffolk. [*Passed August 26.*]

Legislative  
Records of the  
Council,  
xvii. (1), 23.

House Jour-  
nal, p. 11.

## CHAPTER 108.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE COUNTY TREAS<sup>R</sup> OF YORK.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the year 1736 having been laid before the Court of General Sessions of the Peace for said County, and by them allowed :

Read, and

*Ordered*, that this Account be allowed. [*Passed September 1.*]

Legislative  
Records of the  
Council,  
xvii. (1), 24.

House Jour-  
nal, p. 28.

## CHAPTER 109.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO SAM<sup>L</sup> GREEN.

A PLAT of Two Hundred Acres of land laid out by Abraham Nowell Survey<sup>r</sup> and Chain men, on oath, to fulfill a Grant made by this Court to Samuel Green of Kittery, lying in the County of York, and bounded as follows, viz<sup>t</sup> Beginning at the North Corner of Samuel Jordan's land at a large White Oak, standing in the bounds of the township called Philips Town, markt with the letters **S I P**, thence running North West by the bounds of Philips Town two hundred and four rods to a Pitch Pine tree, mark'd on four sides; thence south and by West by a Pond called Bonnisbeeg Pond to a tree mark'd on four sides; thence East and by South forty rods to a tree mark'd on four sides; thence North East to the Tree first mentioned :

Read &

*Ordered* that the within plan be accepted & that the Land therein delineated & described be and hereby is confirm'd to the within nam'd Samuel Green his heirs & Assigns for ever, provided it exceed not the quantity of Two hundred Acres nor interfere with any former Grant; provided also that the conditions of the Grant be comply'd with. [*Passed September 1.*]

Legislative  
Records of the  
Council,  
xvii. (1), 25.

Maps and  
Plans, Mis.,  
xi., 22.

Maps and  
Plans, Mis.,  
xi., 22 *bis*.

House Jour-  
nal, p. 28.  
*Ante*, p. 328,  
chap. 151.

## CHAPTER 110.

## ORDER ABOUT EXCHANGING TORN BILLS AND FOR MAKING NEW BILLS.

Legislative  
Records of the  
Council,  
xvii. (1), 26.

House Jour-  
nal, p. 29.  
Province  
Laws, ii., 827,  
chap. 9.  
*Ante*, p. 386,  
chap. 59.  
*Infra*, chap.  
111.

WHEREAS notwithstanding the time for bringing into the Treasury and exchanging the Halves and Quarters of the torn and broken Bills of this Province was in the last Session of this Court lengthen'd out and continued to the First instant, yet it being found that a great quantity of the said Bills are still outstanding :

Be it therefore

*Ordered* that the Treasurer be and hereby is allowed and directed to continue exchanging all such parts of broken Bills as aforesaid, as shall be brought to him for that purpose, until the First day of November next; And in order to the effectual bringing in the said torn and broken Bills, and to prevent any Person from presuming on their being exchanged hereafter, the Treasurer is hereby forbid to exchange any Halves or Quarters of Bills after the said term, on any pretence whatsoever, except Oath be first made that the said Half or Quarter was received whole and was torn by accident from the other parts, as by an Act of this Court is already provided: And the Committee for signing the Bills of the new Tenour are directed to cause to be struck off and signed, such quantity of the said new Bills as shall be sufficient for exchanging the torn and broken Bills as aforesaid, of such denominations as shall be found most convenient, but not to exceed the sum of Twenty Thousand Pounds, and that they deliver the Bills to the Treasurer as soon as sign'd, taking his Receipt for the same; the Committee to be paid for their service as heretofore; And in the mean time all persons are hereby strictly forbidden to utter in private payments any of the said Halves or Quarters of Bills, on penalty of the law in that case made and provided. [*Passèd September 3.*]

## CHAPTER 111.

ORDER FOR RENDERING AN ACCT OF THE BILLS OF THE OLD  
TENOUR &c.

Legislative  
Records of the  
Council,  
xvii. (1), 27.

House Jour-  
nal, p. 29.  
*Ante*, p. 365,  
chap. 13.  
*Supra*, chap.  
110.

IN AS MUCH as Provision is made by this Court for exchanging the torn and defaced Bills of the old Tenour by making a sufficient number of the New,

*Ordered* that the Committee for signing the Twenty Thousand Pounds in Bills of the old Tenour, be directed to render an Accompt of their doings therein as soon as may be, and not to strike off or sign any more of the said Bills, until the further Order of this Court. [*Passèd September 3.*]

## CHAPTER 112.

ORDER FOR THE PAYMENT OF THE COMMITTEE FOR SIGNING SMALL  
BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (1), 27.

*Ordered* that the Committee for signing the Bills of Credit of the New Tenour be allowed and paid out of the Publick Treasury after the rate of eight shillings and three pence per thousand for every



Thousand of the small Bills ordered to be signed by one of the said Committee, which they have signed or shall sign by order of this Court. [*Passed September 3.*]

House Journal, p. 29.  
*Ante*, p. 353,  
chap. 212.

## CHAPTER 113.

ORDER ACCEPTING THE REPORT ON YE RESULT OF YE COMMISS<sup>RS</sup> RELATIVE TO THE NEW HAMPSHIRE BOUNDARY LINE, AND APPOINTING A COMMITTEE THEREON.

THE COMMITTEE appointed to take under consideration the Result of His Majesty's Commissioners relating to the Settlement of the Boundaries between His Majesty's Provinces of the Massachusetts Bay and New Hampshire,<sup>1</sup> are humbly of opinion, That an Appeal be made

Legislative  
Records of the  
Council,  
xvii. (1), 28.

Legislative  
Records of the

<sup>1</sup> "PROVINCE OF NEW HAMPSHIRE.

Hampton September 2<sup>nd</sup> 1737.

At a Court of Commissioners appointed by his Majesty's Commission under the great Seal of Great Brittain to Settle adjust and determine the respective Boundaries of the Provinces of the Massachusetts Bay and New Hampshire in New England, then and there held.

In Pursuance of his Majesty's aforesaid Commission, the Court took under Consideration the Evidences x: x: Pleas & Allegations offered and made by each party, referring to the Controversy depending between them, and upon Mature advisement on the whole a doubt arose in point of Law, and the Court thereupon Came to the following Resolution Viz<sup>t</sup>

That if the Charter of King William and Queen Mary dated October 7, in the third year of their Reign, Grants to the Province of the Massachusetts Bay, all the Lands which were granted by the Charter of King Charles the first dated March 4<sup>th</sup> in the fourth year of his Reign, to the late Colony of the Massachusetts Bay, lying to the northward of Merrimack River, Then the Court adjudge and determine that a Line should run parallel with the said River at the distance of three English miles North from the Mouth of the said River (beginning at the southerly side of the black Rocks so called at low Water mark) and from thence to run from the crotch or parting of the said River where the Rivers of Pemigewasset & Winnipisioke meet, and from thence due North three English Miles, and from thence due West towards the South Sea untill it meets with his Majesty's other Governments, which shall be the boundary or dividing Line between the said Provinces of Massachusetts Bay & New Hampshire on that side; But if otherwise then the Court adjudge and determine that a line on the Southerly side of New Hampshire beginning at the distance of the<sup>1</sup> English Miles North from the southerly Side of the Black Rocks aforesaid, at low water Mark, and from thence running due West up into the main Land toward the South Sea untill it meets with His Majesty's other Governments; Shall be the Boundary line between the said Provinces on the side aforesaid; Which Point in doubt with the Court as aforesaid, they humbly Submit to the Wise consideration of his most Sacred Majesty in His privy Council, to be determined according to His Royal Will & pleasure therein. And as to the Northern Boundary between the said Provinces, the Court resolve & determine that the dividing line shall pass up through the mouth of Piscataqua Harbour and up the Middle of the River into the River of Newichwannock (part of which is now called Salmon Falls) and through the middle of the same to the furthest head thereof, and from thence North two degrees Westerly untill one hundred and twenty Miles be finished, from the mouth of Piscataqua Harbour aforesaid, or untill it meets with His Majesty's other Governments, and that the dividing line shall part the Isles of Shoals and run through the middle of the Harbour between the Islands to the Sea on the southerly side, and that the Southwestwardly part of the said Islands shall lye in and be accounted Part of the Province of New Hampshire, and that the North Eastwardly part thereof shall lye in and be accounted part of the Province of the Massachusetts Bay; and be held and enjoyed by the said Provinces respectively in the same manner as they now do, and have heretofore held and enjoyed the same.

AND the Court do further adjudge that the Cost & Charge arising by taking out the Commission, as also the Commissioners and their Officers Viz<sup>t</sup> the two Clerks, Surveyor, and Waiter for their travelling expences and attendance in the execution of the same, be equally borne by the said Provinces.

PH: LIVINGSTON	} Commiss <sup>rs</sup>
WILL: SKEENE	
ERAS: JAS PHILLIPS	
OTHO HAMILTON	
JOHN GARDNER	
JOHN POTTER	
GEORGE CORNELL	

Die prædict

And the Court hereby give Information, to said Province of Massachusetts Bay that they shall adjourn to Fryday the fourteenth day of October next at ten of the Clock in

<sup>1</sup> The House Journal, p. 36, reads, "three."

Council,  
xvii., Mis., 4;  
xvii. (1), 28.  
House Jour-  
nal, pp. 31–37.  
*Ante*, p. 404,  
chap. 104.

on the part of this Province from the Judgement of the said Commissioners. That a Committee be appointed by this Court to advise with Council learned in the Law in order to prepare a Declaration to be laid before the Hon<sup>ble</sup> the Court of Commissioners on the day of their Adjournment agreeable to the directions given in His Majesty's Commission. That the said Committee do prepare a Letter to our Agent with an instruction to engage Council in behalf of this Province, and that they forward the same with such papers relating to the case as they shall think necessary by the first opportunity. That the said Committee be impowered to treat and confer with a Committee of His Majesty's Province of New Hampshire upon any Proposals that may be made for an accommodation between the two Provinces.

And we are further of Opinion that a Message from both Houses be sent to His Excellency, desiring that this Court may be sitting some day before the time of the Adjournment of the Hon<sup>ble</sup> Court of Commissioners, if he pleases: All which is humbly submitted.

In the Name and by Order of the Committee JOHN TURNER.

In Council, Read and

*Ordered* that this Report be accepted.

In the House of Represent<sup>ves</sup> Read and Concur'd; And that M<sup>r</sup> Speaker, John Wainwright and John Chandler, and Benjamin Prescott Esq<sup>rs</sup> and M<sup>r</sup> Thomas Hutchinson, with such as the Hon<sup>ble</sup> Board shall join, be a Committee for the Purposes within mentioned (any five of whom to be a Quorum) And the Committee is directed to report their doings to this Court in their next Sitting.

In Council; Read and Concur'd; And Edmund Quincy William Dudley, Samuel Wells, Thomas Berry, and Benjamin Lynde Esq<sup>rs</sup> are joined in the Affair. [*Passed September 6.*]

## CHAPTER 114.

### ORDER APPOINTING A COMMITTEE ON GILL. PHILLIP'S AFFAIR.

Legislative  
Records of the  
Council,  
xvii. (1), 31.

Legislative  
Records of the  
Council,  
xvii. (1), 30 *bis*.  
*Ante*, p. 207,  
chap. 186.

IN THE HOUSE OF REPRESENT<sup>ves</sup> In as much as the case refer'd to in His Excellency's Message of yesterday may very much affect His Majesty's good subjects of this Province;

*Ordered* that M<sup>r</sup> Speaker, M<sup>r</sup> Hutchinson, and M<sup>r</sup> Prout, with such as shall be joined by the Hon<sup>ble</sup> Board, be a Committee to prepare and transmit under the Publick Seal of the Province to M<sup>r</sup> Agent Wilks all such Papers as are mentioned in M<sup>r</sup> Paris's letter, or any other they may judge necessary in that affair; And that they write to M<sup>r</sup> Agent to use his utmost endeavours by the determination thereof, to prevent any inconvenience that may arise to the Province.

In Council; Read and Concur'd; And Jacob Wendell, Anthony Stoddard and Richard Bill, Esq<sup>rs</sup> are joined in the Affair.<sup>1</sup> [*Passed September 7.*]<sup>2</sup>

the forenoon at this Place (being six weeks from this day) in order to receive any exception or appeal, which either or both partys may have to the said Judgment and determination and order that a Copy of the Judgment aforesaid be left with Josiah Willard & Edward Winslow Esquires the two Public Officers appointed by the said Province for receiving the same.

Legislative Records of the Council, xvii., Mis., 4.

<sup>1</sup> Curiam BENJA ROLFE Cler." —

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> Adjourned to October 12. See Legislative Records of the Council, xvii. (1), 31.

## CHAPTER 115.

ORDER APPOINTING SIGNERS TO THE APPEAL TO HIS MAJESTY ON THE AFFAIR OF Y<sup>E</sup> LINE BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE.

EDMUND QUINCY Esq<sup>r</sup> (from the Committee of both Houses for that Service) reported the Draught of an Appeal from the Judgement of the Commissioners for stating the Boundary Lines between this Province and New Hampshire to His Majesty in Council.

In Council; Read and

*Ordered* that the foregoing Draught be accepted, and that the Secretary or his Deputy be impowered to sign the same in behalf of this Board.

In the House of Represent<sup>ves</sup> Read and Concur'd, and

*Ordered* that M<sup>r</sup> Speaker sign the same in behalf of the House.  
[*Passed October 14.*]

Legislative  
Records of the  
Council,  
xvii. (1), 35.

House Jour-  
nal, p. 43.  
*Supra*, chap.  
113. *Infra*,  
chap. 116.

## CHAPTER 116.

ORDER APPOINTING A COMMITTEE TO LAY THE APPEAL FROM THE AWARD OF THE NEW HAMPSHIRE BOUNDARY COMMITTEE BEFORE THE COMMISSIONERS.

In Council;

*Ordered* that the Appeal or Exception to the Determination of the Hon<sup>ble</sup> His Majestys Commiss<sup>rs</sup> appointed to settle the Boundaries between this Province and the Province of New Hampshire, this day accepted by this Court, be laid before the said Commissioners in order to its being received and entered on their Records, according to His Majestys Royal Commission:

And, that Edmund Quincy, William Dudley, Samuel Welles, Thomas Berry, and Benjamin Lynde Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee for the purpose afore said, as also to take out Copies and do every thing else that they may judge necessary for the further prosecution of the Affair (any five of the said Committee to be a Quorum).

In the House of Representatives; Read and Concur'd And M<sup>r</sup> Thomas Cushing, Job Almy and Henry Rolfe Esq<sup>rs</sup> M<sup>r</sup> Nathaniel Peesely, Coll. Chandler, M<sup>r</sup> Hutchinson Coll. Prescott, M<sup>r</sup> Danforth and James Warren Esq<sup>r</sup> are joined in the affair. [*Passed October 14.*]

Legislative  
Records of the  
Council,  
xvii. (1), 35.

House Jour-  
nal, p. 41.  
*Supra*, chap.  
115.

## CHAPTER 117.

ORDER REFERRING THO<sup>s</sup> HAYNES PETITION.

A PETITION of Thomas Haynes in behalf of the Westerly Parish in Haverhill, Shewing that an Anniversary Meeting of the said parish was held the 8<sup>th</sup> day of March last, but carried on in so irregular and disorderly a manner as to render their proceedings illegal; and that on the 28<sup>th</sup> of March an other Meeting was called and carried on regularly and according to law; and therefore Praying, that this Court would confirm the Proceedings of the last Meeting, and order Thomas Page, chosen clerk at the first Meeting, to deliver the Books and Papers to Peter Ayer chosen Clerk at the last Meeting:

Legislative  
Records of the  
Council,  
xvii. (1), 13, 36.

House Jour-  
nal, pp. 14, 44.

Read and

*Ordered* that this Petition be refer'd to the Second Wednesday of the next Sitting of the Court in Boston. [*Passed October 14.*]

## CHAPTER 118.

ORDER ON THE PETITION OF WM ROACH AND GEO STROUT FOR A RENEWAL OF LICENSE TO SELL SPIRITS.

Legislative  
Records of the  
Council,  
xvii. (1), 37.

House Jour-  
nal, p. 44.  
Province  
Laws, ii., 639,  
chap. 1.

A PETITION of William Roach and George Strout both of Province Town in the County of Barnstable, shewing that they have for divers years last past had Licences to retail strong Drink in said Town and had the Approbation of the Select Men for this present Year, but by accident the same did not reach the General Sessions of the Peace for the said County in season for a Renewal of their Licences; Praying for relief from this Court:

Read and

*Ordered* that the Justices of the Court of General Sessions of the Peace for the County of Barnstable in their next Session be and hereby are fully authorised and impowered, if they see cause, respectively to renew the Petitioners Licences for selling strong liquors in Province Town for the year currant as they were formerly licenced. [*Passed October 18.*]

## CHAPTER 119.

ORDER ALLOWING £5 TO M<sup>r</sup> CALEB CUSHING.

Legislative  
Records of the  
Council,  
xvii. (1), 38.

House Jour-  
nal, p. 46.

*Ordered* that the sum of Five Pounds in Bills of Credit of the new Tenour be granted and allowed to be paid out of the Publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Caleb Cushing, who has officiated as Chaplain to the Court during their sitting at Salisbury, with the Thanks of the Court for his good services therein. [*Passed October 18.*]

## CHAPTER 120.

VOTE FOR CHUSING AN ASSOCIATE AGENT.

Legislative  
Records of the  
Council,  
xvii. (1), 40.

House Jour-  
nal, p. 42.  
*Ante*, p. 409,  
chap. 116.

FORASMUCH as the final Determination of the Controverted Boundaries with New Hampshire will be a matter of great consequence to this Province:

*Voted*, that one or more Persons be appointed to join with M<sup>r</sup> Agent Wilks in prosecuting the Appeal of this Province from the Determination of the Hon<sup>ble</sup> Court of Commiss<sup>rs</sup> to the Kings Most Excellent Majesty in Council, relating to the Settlement of the said Boundaries. [*Passed October 19.*]

## CHAPTER 121.

## VOTE ALLOWING £333. 6. 8 TO THE GOVERNOR.

THE HOUSE enter'd into the consideration of His Excellencys Message of the 14<sup>th</sup> currant, and being very sensible of his late extraordinary trouble and expence in the service of the Province, the Dearness of Provisions and other necessaries of life :

*Voted* that Three Hundred and Thirty three Pounds six shillings and eight pence in Bills of Credit of the new Tenour be granted and paid out of the publick Treasury to His Excellency Jonathan Belcher Esq<sup>r</sup> His Majestys Governor and Commander in Chief in and over this Province. [*Passed October 19.*]

Legislative  
Records of the  
Council,  
xvii. (1), 40.

Legislative  
Records of the  
Council,  
xvii. (1), 36.  
House Jour-  
nal, p. 47.

## CHAPTER 122.

VOTE ALLOWING £33. 6. 8 TO THE PRESID<sup>t</sup> OF THE COLLEGE.

THE HOUSE taking into consideration the cost and expence the Rev<sup>d</sup> M<sup>r</sup> President Holyoke has been put to in removing his family and goods from Marblehead to Cambridge, and he having received no salary from the time of his leaving his parish to his Induction into the Presidentship ;

*Voted*, that the sum of Thirty three pounds six shillings and eight pence in Bills of Credit of the new Tenour be granted and paid out of the Publick Treasury to the said M<sup>r</sup> Presid<sup>t</sup> Holyoke. [*Passed October 19.*]

Legislative  
Records of the  
Council,  
xvii. (1), 40

House Jour-  
nal, p. 47.  
*Ante*, p. 370,  
chap. 24.

## CHAPTER 123.

ORDER GRANTING £2,000 STERL. TO THE AGENTS FOR PROSECUTING  
Y<sup>e</sup> APPEAL AS TO THE BOUNDARIES BETWEEN MASSACHUSETTS AND  
NEW HAMPSHIRE.

*Ordered* that the sum of Two Thousand pounds Sterling be granted and allowed to be paid out of the Publick Treasury to furnish the Joint Agents to be appointed by this Court to prosecute the Appeal from the Determination of the Hon<sup>ble</sup> Court of Commissioners, to His Most Excellent Majesty in Council, relating to the Settlement of the Boundaries with the Province of New Hampshire; The Agents to be accountable to the Court for the disposition of the money. [*Passed October 19.*]

Legislative  
Records of the  
Council,  
xvii. (1), 41.

House Jour-  
nal, pp. 42, 47.  
*Ante*, p. 410,  
chap. 120.  
*Infra*, chap.  
126.

## CHAPTER 124

## VOTE ALLOWING £15 TO THE DEP. SECRETARY.

WHEREAS M<sup>r</sup> Deputy Secretary Frost has been at considerable loss and expence in travelling to and attending the General Court at their several Sittings in Salisbury :

Legislative  
Records of the  
Council,  
xvii. (1), 42.



House Jour-  
nal, p. 48.

*Voted*, that the sum of Fifteen Pounds in Bills of Credit of the new Tenour be granted and paid out of the Publick Treasury to M<sup>r</sup> Simon Frost Deputy Secretary, in consideration of his said expences and for his extraordinary Services. [*Passed October 20.*]

## CHAPTER 125.

### ORDER IMPOWERING JOHN WINSLOW ADMINISTRATOR TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (1), 42.

Legislative  
Records of the  
Council,  
xvii. (1), 155.  
House Jour-  
nal, p. 42.  
Province  
Laws, ii., 152,  
chap. 10.

A PETITION of John Winslow of Plymouth in the County of Plymouth Administrator of the Estate of Abiel Pulcifer late of Plymouth aforesaid dec<sup>d</sup> Intestate; Shewing that the estate proving insolvent he had so represented to the Judge of Probates for the said County, and likewise upon application to the Justices of the Superior Court he obtained a Licence to sell the real estate (saving the Widows Dower) for paying the debts; but the incumbrance of the Dower obstructs the Sale, and therefore he has agreed with the Widow to purchase out her Dower at a certain sum; And therefore Praying for power from this Court to sell the whole estate, as well the reversion of the Widows third as the other two thirds:

Read and

*Ordered*, that the Prayer of the Petition be granted, and the Petitioner Administrator (as within mentioned) is accordingly hereby allowed and impowered to make sale of the Reversion or Remainder of the Widows Thirds of the real Estate of the within named Abiel Pulcifer dec<sup>d</sup> Intestate, for the most the same will fetch, and to observe the rules and directions of the Act of this Province of the Sixth Year of the late King George, Chap. 3. relating to the sale of Real Estates, and to pass and execute a good Deed or Deeds of Sale thereof to the Purchaser or Purchasers, in due form of law; The Petitioner to give sufficient caution with Sureties to the Judge of Probate for the County of Plymouth that the proceeds of the sale of the premises shall be well and truly applied and paid in discharge of the Debts of the Intestate. [*Passed October 20.*]<sup>1</sup>

## CHAPTER 126.

Legislative  
Records of the  
Council,  
xvii. (1), 43.

Legislative  
Records of the  
Council,  
xvii. (1), 41 *bis*.  
House Jour-  
nal, p. 48.  
*Ante*, p. 410,  
chap. 120.  
*Infra*, chap.  
127.

### VOTE ELECTING EDMUND QUINCY ESQ AS AGENT TO JOIN WITH M<sup>r</sup> WILKS.

THE TWO HOUSES proceeded to the Choice of an Agent to be joined with M<sup>r</sup> Agent Wilks &<sup>c</sup> (agreeable to the Vote passed yesterday) and Edmund Quincy Esq<sup>r</sup> was chosen by the major Vote of the Council and House of Representatives.

Which Election being certified to His Excellency, by the Attestation of the Deputy Secretary, His Excellency sign'd his consent to the same. [*Passed October 20.*]

<sup>1</sup> Another record, referring apparently to the foregoing, declares that the order, which was first entered in the House of Representatives on October 13, was concurred in by the Council on January 6 following. The Governor's consent is added. See Legislative Records of the Council, xvii. (1), 155.

## CHAPTER 127.

VOTE FOR PURCHASING BILLS OF EXCH<sup>e</sup> FOR CARRYING ON THE APPEAL ABOUT THE LINE BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE.

*Voted*, that Mr Treasurer Foye be and hereby is directed to purchase Bills of Exchange to the value of Two Thousand Pounds Sterling already voted by this Court, to enable the Agents to prosecute the Appeal from the Determination of the Hon<sup>ble</sup> Court of Commissioners respecting the Boundary Lines between this Province and the Province of New Hampshire; the same to be at the direction of the Joint Agents to be employed for the service of the Province. [*Passed October 20.*]

Legislative  
Records of the  
Council,  
xvii. (1), 43.

Legislative  
Records of the  
Council,  
xvii. (1), 43.  
House Jour-  
nal, p. 48, 49.  
*Ante*, p. 411,  
chap. 123.  
*Supra*, chap.  
126. *Infra*,  
chap. 128.

## CHAPTER 128.

VOTE ALLOWING £200 FOR THE CHARGES OF THE COMMITTEE ON THE AFFAIR OF THE BOUNDARY LINE BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE.

*Voted*, that the sum of Two Hundred Pounds in Bills of Credit of the new Tenour be granted and paid out of the Publick Treasury to the Committee heretofore appointed to attend the Hon<sup>ble</sup> the Court of Commissioners for settling the Boundary Line, to enable them to defray the charges that have arisen or may arise in that affair. [*Passed October 20.*]

Legislative  
Records of the  
Council,  
xvii. (1), 44.

House Jour-  
nal, p. 48.  
*Supra*, chap.  
127. *Infra*,  
chap. 130.

## CHAPTER 129.

ORDER GRANTING THE FREEDOM OF JAMES, A NEGRO MAN.

A PETITION of James a Negroe Man formerly belonging to Samuel Burnel dec<sup>d</sup> Shewing that whereas upon his former Petition exhibited in December 1735, Praying to be set free according to the Will of his dec<sup>d</sup> Master, this Court was pleased to Order that he might have a Writ of Protection for his security till three months after the death of his Mistress, that so he might then further apply for his Freedom; that his said Mistress is now dead; and therefore Praying that this Court would now declare him to be absolutely free from his Servitude:

Legislative  
Records of the  
Council,  
xvii. (1), 45, 46.

Legislative  
Records of the  
Council, xvi.,  
272. House  
Journal, p. 197  
(January,  
1735); pp. 51,  
53.

Read and Accepted; and forasmuch as it appears to the satisfaction of this Court that the Petitioners late Master Samuel Burnell dec<sup>d</sup> by four several Wills by him made, had ordered that the Petitioner should be set free from his service after the decease of his mistress Ann Burnell, who is now dead; And altho' the last Will and Testament has been, by some ill Acts, conveyed away and probably destroyed, so that there can not be a legal Probate thereof; yet there being sufficient Evidence that even in that Testament the Testator had ordered the Freedom of the Petitioner; Therefore it is hereby

*Ordered and Declared* that the Petitioner James be and hereby is fully and absolutely manumitted and set free from his servitude and that he be discharged from all Claims and Demands whatsoever from the Administrator or Heirs of the said Samuel Burnell as a servant or

as part of the said Burnell's estate. Provided security be given according to law to indemnify the town of Boston from any charge that may arise from the Petitioners freedom. [*Passed October 25.*]

Legislative  
Records of the  
Council,  
xvii. (1), 47.

Legislative  
Records of the  
Council, xvi.,  
316; xvii. (1),  
46. House  
Journal, p. 52.  
*Ante*, p. 407,  
chap. 113;  
p. 412, chap.  
126. *Supra*,  
chap. 128.

## CHAPTER 130.

### VOTE FOR PROVIDING FOR M<sup>r</sup> AG<sup>t</sup> QUINCY'S VOYAGE.

*Voted* that the Committee appointed to prepare Instructions &c for the Agency be desired to make suitable provision for the comfortable passage of the Hon<sup>ble</sup> Edmund Quincy Esq<sup>r</sup> one of the Agents in his intended Voyage for London. [*Passed October 25.*]

## CHAPTER 131.

### ORDER APPOINTING A COMMITTEE ON THE HOUSATANUCK INDIANS PETITION FOR A GRANT OF EQUIVALENT LAND.

Legislative  
Records of the  
Council,  
xvii. (1), 48.  
Mass.  
Archives,  
ccxliii., 72.

House Jour-  
nal, pp. 52, 53.  
*Ante*, p. 317,  
chap. 129;  
p. 384, chap. 54.

A PETITION of divers Housatanuck Indians in behalf of that Tribe (accompanied with letters from John Stoddard Esq<sup>r</sup> and M<sup>r</sup> John Sergeant Missionary to the said Tribe) setting forth the great difficulty the Tribe labour under for want of equivalents to be made to sundry persons claiming land, included within the Townships granted to the said Tribe, and Praying that this Court would take proper methods that the Petitioners may enjoy and improve upon the said lands without molestation.

In Council

Read and

*Ordered*, that William Dudley and Joseph Wilder Esq<sup>rs</sup> with such as shall be Joyned by the honorable House of Representatives be a Committee effectually to pursue the order of this Court of the fourth of January last Respecting the Grantees of Upper Housatunnoek so called, and that they take under their Consideration the within petition and Complaint of the Indians, and make report of their Doings at the next sitting of the Court

In the House of Representatives

Read and Concur'd and John Chandler Jun<sup>r</sup> Esq<sup>r</sup> is Joyned in the affair. [*Passed October 25.*]

## CHAPTER 132.

### ORDER IMPOWERING THO<sup>s</sup> HENDER TO BRING FORWARD AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (1), 23, 48.  
House Jour-  
nal, pp. 16, 24,  
54.

A PETITION of Thomas Hender of Charlestown, Shewing that at the Inferior Court of Common Pleas held at Boston in January last, he brought his Action of the case for £241. 2. 6 against Stephen Minot of Boston Esq<sup>r</sup> but the said Minot recovered judgement for cost; From which the Petition<sup>r</sup> appealed to the Superior Court, and pending the Appeal they refer'd their case to two Persons, who gave their opinion that the said Minot ought to pay the sum sued for, which he promised, while the Court sat, and therefore the Petitioner suffer'd himself to be

non-suit; And now the said Minot utterly refuses payment: Wherefore Praying that the Petition<sup>r</sup> may be impowered to enter his Action anew at the Superior Court, and the Court be impowered to give judgement therein.

Read; And it appearing that Stephen Minott Esq<sup>r</sup> the adverse party has been duly served with a Copy of the Petition, but no Answer given in;

*Ordered* that the Prayer of the Petition be granted, and that the Petitioner be allowed and impowered to prosecute the Appeal within mentioned at the next Superior Court of Judicature to be held at Boston for the County of Suffolk on the Third Tuesday of November next, the Petitioner to file his Reasons of Appeal in the Clerks Office fourteen days before the Sitting of the Court, And the Justices of the said Court are hereby allowed and impowered to try the said cause by a Jury, enter up Judgement, and award Execution accordingly. [*Passed October 25.*]

## CHAPTER 133.

### ORDER WITH NOTICE REFERRING MATT: COPLEY'S PETITION FOR REVIEW OF AN ACTION, WITH STAY OF EXECUTION.

A PETITION of Matthew Copley of Suffield in the County of Hampshire, Shewing that one John Thrall brought his action against the Petitioner at the Inferior Court of Common Pleas for said County in May 1736 for Eighty Two Pounds and recovered Judgement, from which the Petitioner appealed to the next Superior Court, where the Judgement was confirmed; That the Petitioner brought his writ of Review of the said action at the last Superior Court, where his Writ abated; And forasmuch as there is nothing due to the said Thrall from the Petitioner Therefore Praying that execution may be staid, and that he may be otherwise relieved by this Court.

Read and

*Ordered*, that the Petitioner Matthew Copley serve the adverse Party or his Agent or Attorney with a Copy of the Petition, that he shew cause, if any he have, on the first Tuesday of the next Sitting, why the Prayer thereof should not be granted, and that execution be staid in the mean time. [*Passed October 25.*]

Legislative  
Records of the  
Council,  
xvii. (1), 49.  
House Jour-  
nal, p. 51.

## CHAPTER 134.

### VOTE REFERRING THE MEMORIAL OF W<sup>M</sup> DUDLEY ESQ<sup>R</sup> ABOUT PLATES.

A MEMORIAL of William Dudley Esq<sup>r</sup> one of the Committee for signing the Bills of the old Tenour, Shewing that the Plates for the said Bills are in his keeping and Praying that this Court would give orders for the Disposition of the said Plates.

Read and Refer'd to the next Sitting of this Court for further consideration. [*Passed October 25.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xvii. (1), 50.  
House Jour-  
nal, p. 53.  
Province  
Laws, xi., 289,  
chap. 177.

<sup>1</sup> Adjourned to November 30. See Legislative Records of the Council, xvii. (1), 50.

## CHAPTER 135.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND GRANTED TO ISA  
BRADLEY.

Legislative  
Records of the  
Council,  
xvii. (1), 55.

House Jour-  
nal, pp. 56, 57.  
*Ante*, p. 338,  
chap. 173.

A PLAT of Two Hundred Acres of land laid out by James Cummins Survey<sup>r</sup> and two Chain men on Oath, to fulfill a grant made by the General Court to Isaac Bradley, scituate on the Westerly side of Merrimack River, joining to the Northerly side of the Narraganset Township Number Five, being bounded as follows, viz<sup>t</sup> Beginning at an Heap of Stones by Merrimack River at the Corner of said Narraganset Township, thence running West by said Township, one hundred and forty five rods, ending on Piscataquay River, thence North by a line of marked trees bounded Westerly on Province Land to a Pine marked, being one hundred and eighty five rods; thence East bounding Northerly on Province Land, two hundred and ten rods to a White Oak tree at Merrimack River; thence Southerly by said River to the Heap of Stones first mentioned; with an allowance of eight p Cent for Swagg of Chain.

Read and

*Ordered*; that the Plat be accepted and the lands therein delineated and described be and hereby are confirmed to the said Isaac Bradley his Heirs and Assigns for ever in satisfaction of the within grant: Provided he or they fulfill the conditions thereof and the Plat exceeds not the Quantity of Two Hundred Acres of Land, with the said Allowance for swag of Chain, and does not interfere with any former grant. [*Passed December 2.*]

## CHAPTER 136.

ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND, GRANTED TO  
JN<sup>o</sup> CHANDLER ESQ<sup>e</sup>.

Legislative  
Records of the  
Council,  
xvii. 1., 56.  
Maps and  
Plans, Mis.,  
xi., 23.

Maps and  
Plans, Mis.,  
xi., 23. House  
Journal, pp. 55,  
56. *Ante*,  
p. 379, chap. 45.

A PLAT of One Thousand Acres of Land laid out by Edward Baker and two Chain men on Oath, to fulfill a grant made by the General Court to John Chandler Esquire lying in the County of Hampshire on the South side of and adjoining to a Township called Number Four, between Westfield and Sheffield, beginning at a certain Beach tree with a heap of Stones about it, standing on the South bounds of the said Township, on which tree are set the letters **I C: W C.** thence running South by the needle, four hundred and twenty rods to a bending Beach tree standing on a Hemlock Swamp, mark'd with the letters **I C: W C: H T: B R: E B**, which Beach tree stands about six feet West of the South East Corner of said Farm; thence running West by the needle three hundred and eighty one rods to a Stake and Heap of Stones; thence North by the needle four hundred & twenty rods to a Stake and Heap of Stones in the South bounds of said Township Number Four, thence East on the South Bounds of said Township to the first mentioned corner; with an Allowance of one Rod in thirty for Crooks and swag of Chain.

Read and

*Ordered* that the plat be Accepted, and the Lands within delineated and described be and hereby are accordingly Confirmed to the said John Chandler Esq<sup>r</sup> his Heirs and Assigns for Ever to satisfie the Grant within mentioned, provided the plat exceeds not the quantity of One thousand Acres of Land (exclusive of the allowance for swag of Chain & Crooks as within mentioned) and does not interfere with any former Grant. [*Passed December 2.*]



## CHAPTER 137.

## ORDER ALLOWING £50 TO ROBT BALL.

A PETITION of Robert Ball, Keeper of the Light-House, Praying that his Salary may be stated for the last year, and therein to consider the Dearthness of Provisions, as also the great expence the Petitioner is at for Fire Wood to heat the oyl in the Lamps during the Winter Season, that so the light may be the clearer.

Legislative  
Records of the  
Council,  
xvii. (1), 59.  
House Jour-  
nal, pp. 64, 65.

Read, and in answer to the Memorial

*Ordered*: that the sum of Fifty Pounds of the Bills of the new Tenour be granted and allowed to be paid out of the publick Treasury to the Memorialist in full for a years Service for keeping the said Light House, ending the Eighth day of November last, and to reimburse him the extraordinary charge he was at in purchasing Fire Wood to keep the Lamps hot for the greater advantage of the Light. [*Passed December 6.*]

## CHAPTER 138.

## ORDER IMPOWERING JACOB &amp; LEAH CHALCOM INDIANS, TO SELL LAND.

A PETITION of Jacob Chalcom and Leah Chalcom of Natick Indians, Shewing that as Heir to Solomon Thomas of said place the Petitioner Leah had set off to her several small parcels of land in Natick, which lies so remote from their habitation as to be of very little benefit as to any improvement they can make of it, And therefore Praying that they may be allowed to sell the same for the purchasing utensils for their Husbandry business, and for purchasing other Lands.

Legislative  
Records of the  
Council,  
xvii. (1), 60.  
House Jour-  
nal, pp. 66, 67.  
Province  
Laws, ii., 151,  
chap. 10.

Read and

*Ordered*, that the prayer of the Petition be granted, And the Petitioners are accordingly impowered and allowed to make sale of the Lands within mentioned belonging to the said Leah for the most the same will fetch and to pass and execute in due form of law good and sufficient deeds of Conveyance thereof to the Person or Persons who shall purchase the same, and in proceeding therein to observe the rules and directions of the Act of the Province of the Sixth year of His late Majestys Reign Chap. 3<sup>d</sup> relating to the Sale of Real Estates; Provided the proceeds of the sale be well and truly applied in purchasing other Lands for the Petitioners, more convenient for them, cattle and sheep &c and necessary utensils for carrying on their business: And Francis Fulham Esq<sup>r</sup> is hereby appointed and impowered to see justice done the Petitioners in the Sale, and that the Proceeds thereof be vested in purchasing real Estate more convenient for them, and good Deeds thereof to them, cattle, &c in manner and proportion as he in his prudence and discretion shall think fit. [*Passed December 7.*]

## CHAPTER 139.

ORDER WITH NOTICE REFERRING THE PETS OF JN<sup>o</sup> CANQUIT AND OTHERS INDIANS OF MARTHAS VINEYARD.

Legislative  
Records of the  
Council,  
xvii. (1), 60.  
House Jour-  
nal, p. 69.

A PETITION of John Canquit and other Indians of Edgar Town on Marthas Vineyard, complaining against Enoch Coffin Esq<sup>r</sup> and others the English Proprietors of said Town for great wrong and injustice done to the Petitioners in disturbing them in the improvement of their land; and Praying for redress from this Court.

Read and

*Ordered* that the consideration of this Petition be refer'd to the first Fryday of the next Sitting of this Court, and that the Petitioners in the mean time serve Enoch Coffin Esq<sup>r</sup> and others Proprietors within named or their Clerk with a Copy thereof, that so they may then shew cause if any they have, why the Prayer thereof should not be granted. [*Passed December 7.*]

## CHAPTER 140.

ORDER OF NOTICE ON THE PETITION OF THE SOUTH WEST PART OF LANCASTER PRAYING TO BE ERECTED INTO A TOWNSHIP.

Legislative  
Records of the  
Council,  
xvii. (1), 62.  
House Jour-  
nal, p. 69.

A PETITION of David Osgood, Benjamin Houghton Jun<sup>r</sup> and others Inhabitants of the South Westerly part of Lancaster, Setting forth the great inconveniences they are under by reason of their remote situation and the difficulties of the way from attending the publick Worship of God in said Town, and Praying that they may be set off a separate Township by the following Bounds, viz<sup>t</sup> That an angle may be made at four miles distance from the North West Corner of the old Town and that a line be run over the Southermost part of Wepaqueket Hill, and so over the Rocky Hill till it comes to the Town Line, and to extend Eastward into the old Town one mile, and that a Line be run thence Southwardly till it comes to a Sear at the South River at the lower end of the fence of Joseph Sawyer dec<sup>d</sup> which is about thirty or forty rods below said Sawyers Mills that stand on said River, and that the said Line extend to the Town Line, and that each man pay for his improved lands in the Township where he lives.

Read and

*Ordered*: that the Petitioners serve the Town of Lancaster with a copy of the Petition, that they shew cause, if any they have, on Friday the twenty third currant, why the Prayer thereof should not be granted, and the Petition is refer'd in the mean time for consideration. [*Passed December 7.*]

## CHAPTER 141.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND TO THE HEIRS OF CPT. JOHN WAINWRIGHT.

Legislative  
Records of the  
Council,  
xvii. 1, 63.  
Maps and  
Plans, Mis.,  
xi., 9.

A PLAT of Five Hundred Acres of Land laid out by Joseph Chadburn Survey<sup>r</sup> and two Chain men on Oath, to fullfil a grant made by this Court to the heirs of Cpt. John Wainwright dec<sup>d</sup> lying in the County of York on the North East side of the new Township at the Head of Berwick; beginning at a Beach tree mark'd **T B, & W**, which

Tree stands in the new Township Line; thence running North East by East two hundred and fifty poles; then South East by South one mile; then South West by West two hundred and fifty poles, to the new Township Line; then North West by North one mile to the first Station.

Read and

*Ordered* That the plat be accepted, and the Lands therein delineated and described be and are accordingly confirmed to the Children and legal Representatives of the said Cap<sup>t</sup> John Wainwright late of Haverhill deceased their Heirs and Assigns respectively for Ever to be distributed to and among them according to the Act of this province for the settlement and Distribution of the Estates of Intestates provided the plat exceeds not the quantity of Five hundred Acres of Land, and does not interfere with any former Grant. [*Passed December 8.*]

Maps and Plans, Mis., xi., 9. House Journal, p. 56. *Ante*, p. 301, chap. 91.

## CHAPTER 142.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND TO M<sup>RS</sup> CHRISTIAN BAKER.

A PLAT of Five Hundred Acres of Land laid out by Joseph Chadburn Survey<sup>r</sup> and Chain men on oath, to fulfill a Grant made by the General Court to William Pepperil Esq<sup>r</sup> in trust for M<sup>RS</sup> Christian Baker; lying in the County of York, and Beginning at a Beach tree mark'd T. B., standing about eighty poles South East by South of Salmon Falls little River and in the Bounds of the new Township at the Head of Berwick; thence running North East by East two hundred and fifty poles, then North West by North one mile; then South West by West, two hundred and fifty poles to the new Township Line; then South East by South one Mile to the first Station.

Read and

*Ordered* that the plat be accepted and the Lands therein delineated and described are accordingly confirmed to the said William pepperrell Esq<sup>r</sup> in Trust to & for the use of the said Christian Baker, and to his<sup>1</sup> Assigns; the proceeds of the Sale of the granted premises to be by the said Trustee dealt out or applied for the Benefit and Relief of the said Christian Baker as he shall from time to time judge best for her,<sup>1</sup> which is according to the Intent of the Grant provided the plat exceeds not the quantity of Five hundred Acres of Land and does not interfere with any former Grant. [*Passed December 8.*]

Legislative Records of the Council, xvii. (1), 64. Maps and Plans, Mis., xi., 15.

Maps and Plans, Mis., xi., 15. House Journal, p. 59. *Ante*, p. 31, chap. 60.

## CHAPTER 143.

ORDER DECLARING FORMER PROCEEDINGS IN RELATION TO THE FERRY WAY TO WOODS HOLE, NULL AND VOID.

A MEMORIAL of Seth Parker Agent for the Town of Falmouth in the County of Barnstable Praying that a hearing may be had before the whole Court on a Petition now depending from the said Town relating to Samuel Barkers Ferry.

A Hearing having been had this day before both Houses on this Petition, And the pleas allegations papers and evidences in the case being fully considered;

Legislative Records of the Council, xvii. (1), 61, 66.

Legislative Records of the Council, xvii. (1), 65. House Journal, pp. 73, 74.

<sup>1</sup> *Sic.*

76. *Ante*,  
p. 364, chap. 9.

*Ordered*: That the prayer of the Petition be so far granted as that all the proceedings of the Court of General Sessions of the Peace for the County of Barnstable relating to the Way within mentioned be and hereby are superseded and declared Null and Void. [*Passed December 9.*]

## CHAPTER 144.

ORDER APPOINTING A COMMITTEE ON THE PET<sup>CON</sup> OF THO. CHEVER AND OTHERS OF LYNN PRAYING TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (1), 49, 66.

House Jour-  
nal, pp. 46, 74.

A PETITION of Thomas Chever and other Inhabitants and Proprietors of Lands within the Township of Lyn, Shewing that the said lands are very inconveniently situated for the Inhabitants attendance at the place of publick Worship in said Town: And therefore Praying that they may be set off within the Bounds, particularly described in the Petition, and constituted a separate Precinct, or that a Committee may be appointed to view them and consider their case and make Report to this Court.

In Council; Read together with the answer of the first Parish in the town of Lyn and

*Ordered*, That the prayer of the petition be so far granted as that Thomas Berry and Joseph Willard Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a committee to repair to the first Parish in Lyn within mentioned, view the lands of the Petitioners, hear the parties and consider their circumstances, and report as soon as may be, what may be proper for the Court to do in answer thereto; The charge to be borne as this Court shall order.

In the House of Represent<sup>ves</sup> Read and Concur'd, and William Ward Esq<sup>r</sup> M<sup>r</sup> John Blaisdel and Cpt Samuel Jackson are joined in the affair. [*Passed December 9.*]

## CHAPTER 145.

RESOLVE CONSTRUING THE ACT IN REGARD TO THE POWER OF SURVEYORS OF HEMP AND FLAX.

Legislative  
Records of the  
Council,  
xvii. (1), 67.

House Jour-  
nal, p. 77.  
Province  
Laws, ii., 737,  
chap. 15.

A DORBT arising on the Act entitled An Act to encourage the raising of Hemp and Flax within this Province, made and pass'd in the the<sup>1</sup> Eighth year of His present Majesty's Reign, which will expire the fourth day of January next, relating to the continuance of the power of the present Survey<sup>rs</sup> of those commodities and such as shall hereafter be chosen in their room:

The following Question was put, Whether the said Surveyors are or will be impowered to survey such Hemp and Flax of the growth of this Province in the present year One Thousand Seven Hundred and Thirty Seven, which may be brought to them after the expiration of the said Act, and give certificate thereof in order to the Province Treasurers paying the Premium therein mentioned? It was

*Resolved*, in the Affirmative, and that the Law is, and ought so to be understood, and the Surveyors power is to continue and be in force till the thirty first day of July next and no longer: And the Province Treasurer is to pay the Premium accordingly. [*Passed December 10.*]

<sup>1</sup> *Sic.*

## CHAPTER 146.

VOTE INSTRUCTING THE COMMITTEE TO REPORT ON THE AGENTS  
LETTER ABOUT PIG AND BAR IRON.Legislative  
Records of the  
Council,  
xvii. (1), 68.

*Voted* that it be an instruction to the Committee for preparing Instructions to the Agents, to consider M<sup>r</sup> Agent Wilks's letter of the ninth of May last, relating to Pig and Bar Iron, & the restraining the manufacturing of iron in America, and report their opinion of what may be proper for the Court to do thereupon. [*Passed December 10.*]

Legislative  
Records of the  
Council, xvi.,  
505. House  
Journal, p. 90  
(June, 1737);  
p. 77.

## CHAPTER 147.

ORDER ON EBEN<sup>R</sup> WOODWARDS PET<sup>ION</sup> TO BE ANNEXED TO DEDHAM.Legislative  
Records of the  
Council,  
xvii. (1), 68.ON THE PETITION of Ebenezer Woodward [*ante*, p. 362, chap. 5]

*Ordered*; that the Prayer of the Petition be granted and that the Petitioner with his Farm within mentioned be annexed to the old Precinct in Dedham in the same manner that the Six Families living on the same side of the River within mentioned have been heretofore annexed to the Old Precinct in Dedham aforesaid. [*Passed December 10.*]

House Jour-  
nal, p. 78.  
Province  
Laws, xi., 706,  
chap. 136.  
*Ante*, p. 362,  
chap. 5.

## CHAPTER 148.

ORDER IMPOWERING THE TOWN OF TEWKSBURY TO LEVY AND COL-  
LECT A TAX OF ONE PENNY PER ACRE ON LAND.ON THE PETITION of the Committee for the Town of Tewksbury,  
[*ante*, p. 362, chap. 3]Legislative  
Records of the  
Council,  
xvii. (1), 69.

Read, together with the answer of Thomas Kidder and divers others, Proprietors of the unimproved lands in the Town of Tewksbury (and the Parties being admitted into the House and heard thereon) and in answer to the Petition :

House Jour-  
nal, p. 70.  
*Ante*, p. 362,  
chap. 3.

*Voted*; that a tax of one penny per Acre be and hereby is granted to be levied and collected on all the unimproved land in said Town belonging to the Non Resident Proprietors for the space of two years; the money arising thereby to be applied for the decent finishing the Meeting House, and settling a Minister there; And the Assessors for the time being are empowered and required to make the said Assessment and commit lists thereof with warrants annexed to the same, to the Collector or Collectors of the said Town for the time being, during the term, who are also empowered and required to collect the said tax, and pay in the same according to their warrants for the Uses aforesaid, and the said Lands are hereby subjected to the payment of the said Tax accordingly. [*Passed December 10.*]



## CHAPTER 149.

ORDER ACCEPTING THE COMMITTEES REPORT ON WRENTHAM INHAB<sup>s</sup>  
PETITION TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (1), 66, 70.

House Jour-  
nal, p. 76.  
*Ante*, p. 365,  
chap. 12.

A PETITION of Robert Pond David Jones and others a Committee for the Inhabitants of the North West part of Wrentham Shewing that this Court were pleased to refer the Report of a committee on their former Petition Praying to be made a separate Town or Precinct till this Session in expectation of an Agreement between the parties; But forasmuch as the Parties cannot agree; Therefore Praying that this Court would pass such Order on their said Petition as may be for their relief under the difficulties they complain of.

[A joint committee of the two houses having been appointed to consider of this Petition and hear the Parties and make report what they judge proper for this Court to do thereon, made the following report]

The Committee appointed the Sixth Instant to consider of the Petition of Robert Pond and others Inhabitants of the Westerly part of Wrentham and hear the Parties, have attended that service, and are of opinion that the Report of a former Committee of this Court made the ninth of June last be not accepted, but that in answer to the Petition the Lands therein delineated and described, be set off and erected into a Separate and distinct Precinct and that the Inhabitants thereof have all the powers and Privileges which those of other Precincts within this Province do, or by law ought to enjoy, and that the charges arisen in the affair be paid by the Petitioners.

In the Name and by Order of the Committee

SETH WILLIAMS.

Read and

*Ordered* that this Report be accepted and that the Lands delineated and described in the Petition be and hereby are set off and erected into a separate and distinct Precinct accordingly, and that the Inhabitants thereof have all the Powers and Privileges which those of other Precincts within this Province do or by Law ought to enjoy, and that the charges arisen in the affair, amounting to Sixteen Pounds two Shillings, be paid to Francis Foxcroft Esq<sup>r</sup> for the Committee. [*Passed December 10.*]

## CHAPTER 150.

VOTE APPROVING A DEED FROM THE HOUSATONIC INDIANS TO THE  
GRANTEES OF FOUR NEW TOWNS, AND FURTHER EXTENDING THE  
AREA THEREOF.

Legislative  
Records of the  
Council,  
xvii. 1, 71.  
Mass.  
Archives, cxv.,  
73.

Mass.  
Archives, cxv.,  
711; cxvi., 116.  
Legislative  
Records of the  
Council, xvii.,  
Misc. 3. House  
Journal, pp. 61,  
70. *Ante*, p. 380,  
chap. 46; p. 414,  
chap. 131.

A PETITION of Nahum Ward Esq<sup>r</sup> and Ephraim Williams for themselves and the rest of the Proprietors of the four new Townships lying between Westfield and Sheffield lately granted by this court, Shewing that besides paying the sum of Twelve Hundred Pounds to the Committee of the General Court they were obliged to purchase of the Housatanuck Indians the Native Right to the said Land which cost them Three Hundred Pounds, which has not been the case of the Proprietors of the other new Towns, And therefore Praying that this Court would allow and confirm the Indian Deed of said Land, and likewise grant to them what Land is contained in their Deed more than what is already granted by the Court

In answer to the within Petition

*Voted* that the within Deed from the Houssatonnoc Indians within Referred to be and Hereby is fully allowed of to all Intents and Purposes and in Consideration of the Great Cost and Expence that the Grantees of the Said Four Townships have Been put To in Purchasing the Lands in the Said Deed it is hereby

*Ordered* that all the Lands Contained within the bounds following Viz<sup>t</sup> the Continuation of the Eastern Bounds of the Town-Ship number three till it meets with the South Bounds Number Four and So Bounding North on N<sup>o</sup> 4 west on N<sup>o</sup> 1 and South on N<sup>o</sup> 3 and also the Tract of Land Bounded as follows Viz<sup>t</sup> Southwardly on the Colony Line Westwardly on N<sup>o</sup> 2 Northwardly on N<sup>o</sup> 3 Eastwardly on Farmington River and Westwardly Partly on N<sup>o</sup> 3 Be and Hereby is Given and Granted To the Prop<sup>r</sup> of the Said Townships their Heirs and Assigns Respectively for ever The whole Containing about Eleven Thousand acres Provided the Said Prop<sup>r</sup> or Grantees Do Settle Seven families more in Each Township So as there be Sixty Seven Settlements brought forward in Each of Said Towns in the Same way and manner in all Respects and att the Same time as they are obliged to bring forward the Settlement of Sixty families Each in Pursuance of their first Grant. [*Passed December 10.*<sup>2</sup>

*Supra*, chap. 151.

## CHAPTER 151.

### VOTE APPROVING AND ACCEPTING THE HOUSATANUCK INDIANS DEED TO NAHUM WARD ESQ<sup>r</sup> &<sup>c</sup>.

[UPON] THE DEED of Kuncapot and others Housatanuck Indians to Nahum Ward Esq<sup>r</sup> and Ephraim Williams &<sup>c</sup> above refer'd to;

*Voted* that the within Deed be and hereby is fully allowed and approved of to all Intents and Purposes.<sup>3</sup> [*Passed December 12.*

Legislative Records of the Council, xvii. (1), 72.

*Supra*, chap. 150.

## CHAPTER 152.

### ORDER IMPOWERING ROBERT BRECK AS GUARDIAN, TO SELL LAND.

A PETITION of Robert Breck of Springfield, Clerk, Guardian to his brother Samuel Breck a minor Praying that he may be authorized by this Court to make sale of certain Lands in Marlboro of the quantity of thirty two Acres in all left to the said Minor by his Father (the buildings thereon being decayed) and the money to be produced thereby to be put out to Interest for the said Minors support and education, for which the Estate is not sufficient as it lies.

Read and

*Voted* that the prayer of the Petition be granted and the Petitioner in his said capacity is hereby allowed and impowered to make sale of the Houses and Lands of the said Minor as within mentioned for the most the same will fetch, and in proceeding therein to observe the rules and directions of the Act of this Province of the Sixth Year of the Reign of His late Majesty King George Chap. 3. relating to the sale of Real Estates, and to pass and execute in due form of law a good

Legislative Records of the Council, xvii. (1), 72.

House Journal, p. 57. Province Laws, ii., 151, chap. 10.

<sup>1</sup> *Sic*, but the House Journal, p. 71, reads, "Proprietors."

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 12.

<sup>3</sup> The approval or acceptance of this deed is included in the previous chapter. No mention of any action on the part of the House, as within reported, has been found in the House Journal.

Deed or Deeds of Sale and Conveyance of the premisses to the Person or Persons who shall purchase the same; Provided that the Petitioner give full and sufficient caution to the Judge of Probate of Wills for the County of Middlesex that the annual Issues and Profits of the proceeds of the Sale of the premisses shall be duly and truly applied and paid for the best use and advantage of the Minor as may be necessary for his support and education during his minority, and upon his arrival at Age to render and pay him, the Principal and so much of the interest of the proceeds of the sale of the premisses as shall be in his hands. [*Passed December 12.*]

## CHAPTER 153.

### ORDER ALLOWING THE ACCT OF THE COUNTY TREASURER OF HAMPSHIRE.

Legislative  
Records of the  
Council,  
xvii. (1), 74.

House Jour-  
nal, p. 3.

AN ACCOMPT presented by William Pyncheon Jun<sup>r</sup> Esq<sup>r</sup> Treasurer of the County of Hampshire for the year 1736 having been laid before the Court of Generall Sessions of of<sup>1</sup> the Peace for s<sup>d</sup> County and there allowed:

Read and

*Ordered* that the Accompt be allowed and that the Accomptant William Pyncheon Jun<sup>r</sup> Esq<sup>re</sup> be further accountable to the County of Hampshire for the Ballance, being One Hundred and Forty Two Pounds five Shillings. [*Passed December 13.*]

## CHAPTER 154.

### ORDER DECLARING THE PROCEEDINGS AT TOWN MEETINGS IN HAVERHILL NULL AND VOID, AND FURTHER AUTHORISING A CALL FOR A NEW MEETING.

Legislative  
Records of the  
Council,  
xvii. (1), 74.

House Jour-  
nal, p. 83.  
*Ante*, p. 409,  
chap. 117.

ON THE PETITION of Thomas Haynes of Haverhill [*ante*, p. 409, chap. 117] Read, together with the answer of Nathaniel Dunston and Thomas Page the Moderator and Clerk within named; the parties also being admitted were fully heard in their Pleas and Allegations for and against the Petition, and the matter being fully considered:

*Ordered*, that the Proceedings of both the Meetings within mentioned be and hereby are superseded and declared null and void, And that the Committee appointed to call Meetings in the Westerly Parish in the Town of Haverhill for the Year 1736 be and hereby are fully empowered and directed forthwith to issue out their warrants directed to the Clerk of the said parish for the Year 1736, requiring him to notify and warn the Freeholders and others Inhabitants of the said Parish, to meet at such time and in such publick place in said Parish as shall be expressed in the said warrant, who are hereby empowered to make choice of Parish Officers in said Parish for the year currant; which said choices shall be deemed good and valid as tho they had been legally made in the month of March last. [*Passed December 13.*]

<sup>1</sup> *Sic.*

## CHAPTER 155.

## ORDER IN REGARD TO THE COLLECTION OF DELINQUENT TAXES FOR THE SUPPORT OF THE MINISTRY AT LAMBSTOWN.

A PETITION of Joshua Lamb Esq<sup>r</sup> and others a Committee for the Proprietors of the Town commonly called Lambs Town Praying that this Court would grant further time to the Inhabitants of said place to chuse Town Officers and levy Taxes for the support of the Charges of the Ministry and other things, and that this Court would put a sanction to the Votes passed relating to the support of the Ministry in said place.

Legislative  
Records of the  
Council,  
xvii. (1), 75.

House Jour-  
nal, pp. 77, 81.  
*Ante*, p. 295,  
chap. 78.

Read and

*Ordered* that one year more be allowed the Inhabitants of the said Township called Lambs Town for laying taxes for the support of Town and Ministerial charges; And for as much as the Proprietors of said Township have voted a Tax for three years past for the support of the Ministry there, some of which remains unpaid;

*Voted* that the said Committee of the said Proprietors or the major part of them are hereby fully impowered and directed after twenty days publick notice to the delinquent Proprietor or Proprietors who shall have neglected to pay his proportionable part of the said Tax according to the intent of the Grant, to make sale and dispose of so much of the lands of such Proprietor, as shall be sufficient to discharge what he is in defect or arrearages of payment of his proportionable part of the said Tax and Taxes (together with the Charges arising on the sale) which sums so recovered shall be disposed of for the better support of the Ministry, agreeable to the intention of the Proprietors in making the Grant; And further that a Province Law Book be allowed the Proprietors for the use of the Inhabitants of the Township for the time being. [*Passed December 13.*]

## CHAPTER 156.

ORDER WITH NOTICE ON PET<sup>CO</sup>N OF SEVERAL TOWNS IN THE COUNTY OF BARNSTABLE TO HAVE COURTS HELD AT EASTHAM.

A PETITION of John Knowles and others Agents for the Towns of Eastham, Harwich, Truroe, Chatham and Province Town, all within the County of Barnstable, Praying for the convenience of the said Towns, which are all far distant from the County Town, that two of the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas for said County, may be held every year at Eastham.

Legislative  
Records of the  
Council,  
xvii. (1), 77.

House Jour-  
nal, pp. 80, 81.

Read and

*Ordered* that the Petitioners serve the respective Towns in the County of Barnstable (excepting the towns petitioning by their Agents &c as within mentioned) with a Copy of the Petition, that they shew cause respectively, if any they have on the First Tuesday of the next May Session of this Court, why the Prayer thereof should not be granted; and the Petition is refer'd in the mean time for consideration. [*Passed December 13.*]

## CHAPTER 157.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO JON<sup>A</sup> BUTTERFIELD.

Legislative  
Records of the  
Council,  
xvii. (1), 78.  
Maps and  
Plans, Mis.,  
xi., 20.

Maps and  
Plans, Mis.,  
xi., 20. House  
Journal, p. 80.  
*Ante*, p. 328,  
chap. 155.

A PLAT of Three Hundred Acres of Land laid out by Joseph Wilder Jun<sup>r</sup> Survey<sup>r</sup> and Chain Men upon Oath, to fulfill a grant of this Court made to Jonathan Butterfield, lying adjacent to the Township Number Seven in the Line of Towns; Beginning at a Hemlock Tree marked with the letter **A** standing in the South Line of the said Township three miles from the South East corner; thence running South  $11^{\circ} 30'$  East by a Line of marked Trees three hundred and twenty rods to a Stake and Stones **B**; thence East  $5^{\circ} 30'$  north, one hundred and sixty rods by a line of marked Trees to a Hemlock Tree to the letter **C**; thence North  $11^{\circ} 30'$  East three hundred and twenty rods by a Line of marked Trees to a Stake and heap of Stones in the aforesaid Town Line to the letter **D**, and from thence in the said Line to the first mentioned Station.

Read and

*Ordered* that the plat be Accepted and the Lands therein delineated and described be and hereby are confirmed to the said Jonathan Butterfield his Heirs and assigns for Ever he or they performing the Conditions of the Grant provided the plat exceeds not the quantity of three hundred Acres of Land and does not interfere with any former Grant. [*Passed December 13.*]

## CHAPTER 158.

ORDER CONFIRMING A PLAT OF 800 ACRES OF LAND TO SAM<sup>L</sup> THAXTER, JOHN TURNER AND W<sup>M</sup> DUDLEY ESQ<sup>RS</sup>.

Legislative  
Records of the  
Council,  
xvii. (1), 78.  
Maps and  
Plans, Mis.,  
xi., 25.

Maps and  
Plans, Mis.,  
xi., 25 *bis*.  
House Jour-  
nal, p. 80.  
*Ante*, p. 297,  
chap. 82.

A PLAT of Eight Hundred Acres of land laid out by Joseph Wilder Jun<sup>r</sup> and Chain Men on Oath, to satisfy a Grant made by the General Court to Samuel Thaxter, John Turner, and William Dudley Esq<sup>rs</sup> lying South on the line of Towns and bounding North on the Township Number Six in said Line of Towns and every other way on Province Land; Beginning at a Hemlock Tree marked for an Angle with the letter **S** standing in the South Line of the Line of Towns two hundred rods East from the Ten Mile Mark in said Line; thence running South  $5^{\circ} 30'$  by a Line of marked Trees three hundred and twenty rods to a Beach Tree marked with the Letter **T**; thence West  $5^{\circ} 30'$  South, by a Line of marked Trees four hundred and twenty rods to a Beach Tree marked with the letter **W**, and thence by a Line of marked Trees North  $5^{\circ} 30'$  West three hundred & twenty rods to a Stake in the Line of the Township Number Six marked **D**, and Stones at the bottom; thence with the Line of said Township to the first Station.

Read and

*Ordered* that the plat be accepted and the Lands therein delineated and described be and are hereby confirmed to the said John Turner samuel Thaxter & William Dudley Esq<sup>rs</sup> their Heirs and assigns respectively for Ever in full satisfaction of the Grant of twelve hundred acres of Land formerly made them by this Court, provided the plat exceeds not the quantity of Eight Hundred Acres, exclusive of the allowance of thirty acres for swag of Chain and fifty Acres for a pond lying in it as within mentioned and interferes with no former Grant. [*Passed December 13.*]



## CHAPTER 159.

## ORDER ON PETITION OF THE WEST PRECINCT IN WATERTOWN.

A PETITION of William Brown and others a Committee for the West Precinct in Watertown, Shewing that there have been very uncomfortable disputes and differences between the inhabitants of the two Precincts in said town referring to their Publick and Private Ways, and it is thought nothing will put an end to those differences but the dividing of the Town, to which the East Precinct have agreed upon certain restrictions contained in their Vote, And therefore Praying that the said West Precinct may be set off and erected into a separate Town accordingly.

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioners are empowered and allowed to prepare and bring in a Bill for [erecting]<sup>1</sup> the West Precinct in Watertown with the inhabitants thereon into a separate and distinct Township accordingly. [*Passed \* December 14.*<sup>2</sup>

Legislative  
Records of the  
Council,  
xvii. (1), 77.

House Jour-  
nal, p. 83.  
Province  
Laws, ii., 919,  
chap. 21.

## CHAPTER 160.

## ORDER ALLOWING £50 TO CPT. JOHN LARRABEE AND FURTHER ALLOWING HIM TO MAKE UP HIS NEXT ACCOUNT AT 15/ PER WEEK PER MAN.

A PETITION of Cpt. John Larrabee Victualler of the Garrison at His Majestys castle William, Shewing that he is like to be a great sufferer (unless he be relieved by this Court) thro' the extravagant price of all kinds of Provisions since the last Establishment; and therefore Praying for such addition to his allowance for victualling the said Garrison [the] last six months as may be sufficient for answering his expence therein.

Read and in answer to this Petition,

*Ordered* that Fifty Pounds of the Bills of Credit of the new Tenour be granted and allowed to be paid out of the publick Treasury to the Petitioner; and further that he be allowed to make up his next Victualling Account from the twenty first of May last to the twenty Second of December curr<sup>t</sup> at fifteen shillings per Week. [*Passed December 14.*

Legislative  
Records of the  
Council,  
xvii. (1), 80.

House Jour-  
nal, pp. 60, 64,  
78. *Ante*,  
p. 308, chap.  
108.

## CHAPTER 161.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON INSTRUCTIONS TO THE AGENTS.

THE COMMITTEE to whom it was refer'd to prepare Instructions to the Agents, and records and papers relating to the Boundary Line, as also to provide for M<sup>r</sup> Agent Quineys passage, after sundry meetings and mature consideration, have prepared the said Instruction, together with a State of the Case and sundry arguments and evidences in support thereof, as contained in divers papers herewith laid before this Hon<sup>ble</sup> Court. We have also agreed with Cpt. John Homans for the

Legislative  
Records of the  
Council,  
xvii. (1), 81.

Legislative  
Records of the  
Council, xvi.,  
316, 371;  
xvii. (1), 52.  
House Jour-  
nal, pp. 84, 86.

<sup>1</sup> Inserted from the House Journal, p. 83.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 13.

*Ante*, p. 407,  
chap. 113;  
p. 414, chap.  
130. *Infra*,  
chap. 162.

passage of the Agent afore said according to his Character. All which are humbly submitted.

In the Name and by Order of the Comm<sup>tee</sup> ANTH<sup>o</sup> STODDARD

Read and

*Ordered* that this Report be accepted. [*Passed December 14.*]

## CHAPTER 162.

ORDER DIRECTING THE SECRETARY TO DELIVER TO THE AGENT THE ORIGINAL PATENT OF THE PROVINCE OF MAINE.

Legislative  
Records of the  
Council,  
xvii. 1, 81.

House Jour-  
nal, p. 86.  
*Supra*, chap.  
161.

*Ordered* that the Secretary deliver to M<sup>r</sup> Agent Quincy the Original Patent of the Province of Main to be used by the Agents in the ease above refer'd to (if necessary) and that they take care that it be safely returned into the Secretarys Office after the Determination of His Majesty in Council in the affair of the Boundaries. [*Passed December 14.*]

## CHAPTER 163.

ORDER OF NOTICE ON THE PETITION OF JOS<sup>s</sup> SHELLEN AND OTHERS, FOR A NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (1), 83.

House Jour-  
nal, p. 82.

A PETITION of Joseph Shelden of Springfield in the County of Hampshire, James Warriner and Amy his wife, Ebenezer Hitchcock and Mary his wife, Jedediah Bliss and Rachel his wife, all of the same place, complaining of great mismanagement both by the Jury and the Deputy Sheriff in a Trial of Review before the Superior Court between the Petitioners and Cpt. John Ashley of Westfield, wherein they sued for the produce of part of a mill of right belonging to the Petitioners; and Praying that they may have a new Trial of s<sup>d</sup> cause.

Read and

*Ordered* that the Petitioners serve the said John Ashley Esq<sup>r</sup> with a Copy of the Petition that he shew cause, if any he have, on Tuesday the Twenty Seventh curr<sup>t</sup> why the Prayer thereof should not be granted; if the Court be then sitting; if not, on the first Thursday of the next May Session of this Court, and also that the Petitioners serve the said John Pengelly with a copy of the said Petition that he make answer to the suggestions of his misconduct while the Jury was under his keeping and care at the said twenty seventh of December currant if the Court be then sitting; if not, on the first Thursday of the next May Session: And the Petition is refer'd for consideration in the mean time accordingly. [*Passed December 15.*]

## CHAPTER 164.

ORDER FOR A MEETING OF THE GRANTEES OF THE TOWNSHIP GRANTED TO GLOUCESTER.

Legislative  
Records of the  
Council,  
xvii. 1, 81.

*Voted* that Joseph Allen Esq<sup>r</sup> be and hereby is impowered to assemble the Grantees of the Township<sup>1</sup> granted to sundry of the Inhabitants of the Town of Gloucester, giving timely notice to the Grantees of said

<sup>1</sup> This became New Gloucester, Maine.

Township to meet in some suitable place, in order to chuse a Moderator, Proprietors Clerk and a Committee, to divide and allot their lands and to pass such votes and Orders as by them may be thought fit and conducive for the speedy fullfilment of the Conditions of their grant, and also to agree upon a method for calling meetings for the future. [*Passed December 16.*]

House Journal, p. 93.  
*Ante*, p. 391,  
chap. 70.

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## CHAPTER 165.

### ORDER APPOINTING A COMMITTEE FOR ADJUSTING ACC<sup>T</sup>S WITH THE LATE TREAS<sup>R</sup>.

In the House of Represent<sup>ves</sup>

*Ordered* that Coll. Fulham, M<sup>r</sup> Danforth, M<sup>r</sup> Thomas Cushing and Coll. Chandler with such as shall be joined by the Hon<sup>ble</sup> Board, be a Committee fully authorized and impowered in the Name of this Court to adjust and finally settle all Accompts between the Province and the late Treasurer Jeremiah Allen Esq<sup>r</sup> and to receive from him the balance of the Account, together with all papers, books, and other things in his hands and belonging to the Province, and in the Adjustment and Receipt thereof the Committee are further impowered enabled and directed in the name of the Court to give the said M<sup>r</sup> Allen full and absolute acquittance and discharge. The said Committee to deliver the said Ballance with all Papers, Books, and other things belonging to the Province, to M<sup>r</sup> Treasurer Foy, and to take his receipt for the same.

Legislative  
Records of the  
Council,  
xvii. (1), 84.

House Journal, p. 88,  
*Ante*, p. 311,  
chap. 115.

In Council ; Read and Concur'd and

*Ordered* that John Jeffries, Jacob Wendell and Anthony Stoddard Esq<sup>rs</sup> be joined in the affair. [*Passed December 16.*]

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## CHAPTER 166.

### ORDER ALLOWING THE ACCOUNT OF THE DUKES COUNTY TREAS<sup>R</sup>.

AN ACCOMPT presented by Enoch Collin Esq<sup>r</sup> Treas<sup>r</sup> of Dukes County for the year 1736 having been laid before the Court of General Sessions of the Peace for said County and by them allowed :

Read and

*Ordered* that this Account be allowed and the Ballance, which being Three Shillings and Eleven Pence the Accomptant Enoch Coffin Esq<sup>r</sup> is further accountable for to the County of Dukes County. [*Passed December 16.*]

Legislative  
Records of the  
Council,  
xvii. (1), 85.

House Journal, pp. 3, 11.

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## CHAPTER 167.

### ORDER INCREASING THE COMMITTEE FOR ACC<sup>T</sup>S OF THE £100,000 LOAN.

*Ordered*, that M<sup>r</sup> Wheelwright be added to the Committee for examining the Accompts of the Commissioners for letting out the One Hundred Thousand Pounds Loan. [*Passed December 16.*]

Legislative  
Records of the  
Council,  
xvii. (1), 85.

House Journal, p. 93.  
*Ante*, p. 391,  
chap. 68.

## CHAPTER 168.

ORDER IMPOWERING M<sup>RS</sup> GRIZZEL COTTON AS ADMINISTRATRIX, TO  
SELL LAND.

Legislative  
Records of the  
Council,  
xvii. 1, 87.

House Jour-  
nal, p. 66.  
Province  
Laws, ii., 151,  
chap. 16.

A PETITION of M<sup>RS</sup> Grizzel Cotton Administ<sup>x</sup> of the estate of her first husband M<sup>r</sup> William Sandford dec<sup>d</sup> and Guardian to his youngest Daughter Grizzel Sandford; Shewing that the charge of dividing the said estate, in law suits, repairs &c has exceeded the income thereof And therefore Praying that she may be impowered to make sale of two small tracts of unimproved lands in the town of Litchfield containing about Three Hundred Acres, also two tracts of land in Tiverton containing about ninety acres, which were set off to the said Minor in the division.

Read and

*Ordered* that the Prayer of the Petition be granted And that the Petitioner M<sup>RS</sup> Grizzel Cotton, Guardian of her Daughter the said Grizzel Sandford is hereby authorized and impowered to make sale of the said Pieces of Land belonging to the said Minor lying in the said Towns of Litchfield and Tiverton, for the most the same will fetch, and to pass and execute in due form of Law, a good Deed or Deeds of Sale and Conveyance thereof to the Person or Persons that shall purchase the same; and in proceeding therein to observe the Rules and directions of the Act of this Province of the Sixth Year of His late Majestys Reign. Chap. 3. relating to the Sale of Real Estates; Provided the Petitioner gives sufficient caution to the respective Judges of Probate of Wills &c in the Counties of Middlesex and Bristol that the annual issues and profits of the amount of the principal sum which shall arise by the proceeds of the Sales of the said Tracts of Lands within mentioned, shall be well and truly applied and paid, for the best use and advantage of the said Minor, and the principal with what Interest shall be in the Petitioners hands at the arrival of the said Minor at Age or Marriage shall be then paid her also. [*Passed December 16.*]

## CHAPTER 169.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF MALDEN  
SOUTHERLY INHAB<sup>Ts</sup> TO BE SET OFF AS A SEPARATE TOWN OR PRE-  
CINCT.

Legislative  
Records of the  
Council,  
xvii. (1), 61, 89.

House Jour-  
nal, pp. 65, 95.  
*Ante*, p. 110,  
chap. 242.

A PETITION of Nathaniel Upham, Joseph Wilson and others Inhabitants of the Southerly Part of Malden. Shewing that they have erected a Meeting House and by the advice of a Council of Churches they have settled a learned orthodox Minister among them, but can not obtain a Vote of the Town for their being set off from them: And therefore Praying that this Court would set them off a separate Town or Precinct, by the following bounds viz<sup>t</sup> Beginning at a Stake and Heap of Stones in the Marsh by Moultons Island, which is the Station Line between Boston & Malden and so as Boston Line runs to the Creek where Boston Line crosses the Creek in Cpt. Olivers Farm, and from thence on a strait Line to Pembertons Brook at the Bridge, and from the said Bridge South and Southwestwardly as the Lane runs to the end of Hutchinsons Lane and from the end of the said Lane to the Corner of the Towns Pasture at the end of the said Lane due West to

Sandy Bank River, and then as the said River runs to the Mouth of it, and from thence South Easterly as the great River runs to Wormwood Point formerly so called, and from thence as the River runs to the first Station; And that the Petitioners may have their proportionable part of the ministerial Lands in Worcester, Shrewsbury, and else where.

In Council; Read, together with the Answer of the Agents of the Town of Malden and the Petition of Samuel Bucknam and others; and

*Ordered*, that John Stoddard and Jeremiah Moulton Esq<sup>rs</sup> with such as shall be appointed by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to repair to Malden, and view the Town and hear the parties to this Petition, as well as the above mentioned Petition of Samuel Bucknam and others, and upon the whole to consider and Report what is proper for this Court to do thereon.

In the House of Represent<sup>ves</sup> Read and Concur'd, and Eleazer Porter and Benjamin Bird Esq<sup>rs</sup> and M<sup>r</sup> John Sumner are joined in the Affair. [*Passed December 19.*]

## CHAPTER 170.

### ORDER ON GERSHAM KEYS'S PETITION FOR FURTHER TIME FOR SETTLING AN ESTATE.

ON THE PETITION of Gersham Keyes [*ante*, p. 388, chap. 63]

Read, and it appearing that the Administrator therein named has been served with a copy of the Petition, but no answer given in; and the matter being fully considered:

*Ordered*, that the Judge for Probate of Wills &c within mentioned be and hereby is impowered and directed to allow such further time as he shall judge reasonable, not exceeding three months, unto such Creditors to the Estate of the within named Dec<sup>d</sup> as have not yet brought in and made out their respective claims; and that the Commissioners heretofore appointed by said Judge be and hereby are also impowered and directed to receive and examine all such claims and to cause the time and place of their Meeting to be published according to Law. [*Passed December 19.*]

Legislative  
Records of the  
Council,  
xvii. (1), 90.

House Jour-  
nal, p. 87.  
*Ante*, p. 388,  
chap. 63.

## CHAPTER 171.

### ORDER IMPOWERING JOHN RUSSELL TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of John Russell Esq<sup>r</sup> praying for some consideration for his serving the Province in an Expedition to Port Royal in the year 1704. for which he has never yet received any thing by reason of his absence beyond Sea when the Roll was made up:

Read and

*Ordered*, that two hundred Acres of the unappropriated lands of the Province lying in the County of Hampshire be and is hereby given and granted to the Petitioner John Russel Esq<sup>r</sup> in full consideration of the expence he was at, and his service in the Expedition to Annapolis within mentioned, and that he be allowed and impowered by a Surveyor and Chain men on oath, to return a Plat thereof (adjoining to some Township or former Grant) to the Court, within twelve months, for confirmation. [*Passed December 20.*]

Legislative  
Records of the  
Council,  
xvii. (1), 16, 93.

Legislative  
Records of the  
Council,  
xvii. (1), 16, 21.  
House Jour-  
nal, p. 19.



## CHAPTER 172.

## ORDER IMPOWERING SARAH MACQUEDY TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii., 1, 33.

House Jour-  
nal, pp. 63, 32.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Sarah Macquedy Widow of Archibald Macquedy late of Boston sawyer dec<sup>d</sup> Shewing that her said husband by his last will gave the use and improvement of his whole estate to the Petitioner for her support during her Widowhood, that she is now in a very advanced age and not able to support herself without selling a small house and land in Boston, and her children are dead and she has no Posterity remaining saving Grand Children in their Minority; And therefore Praying that she may be impowered by this Court to sell the said house and land, that so much of the produce thereof as is necessary may be used for her support, and the remainder after her death may be distributed among the Grand Children of the dec<sup>d</sup>

Read and

*Ordered*, that the Petitioner be and hereby is allowed and impowered to make sale of the house and land within mentioned, for the most the same will fetch, agreeable to the rules and directions of the Act of this Province of the Sixth year of his late Majesty's Reign, Chap. 3<sup>d</sup> relating to the sale of Real Estates, and to pass and execute in due form of Law a good Deed or Deeds of Sale and conveyance thereof to the Person or Persons that shall purchase the same, the proceeds thereof to be applied for her support and maintenance during life. Provided she give caution to the Judge of Probate of Wills &c for the County of Suffolk, that what of the proceeds of the Sale, if any be at her death and after Funeral Charges paid, shall be distributed to and among the Grand Children of the Testator. [*Passed December 20.*]

## CHAPTER 173.

## ORDER APPOINTING A COMMITTEE ON THE PETITION OF MASHPEE INDIANS TO SELL OYSTER ISLAND.

Legislative  
Records of the  
Council,  
xvii., 1, 94.  
Mass.  
Archives,  
xxxii., 215.

Legislative  
Records of the  
Council, xvi.,  
217. Mass.  
Archives,  
xxxii., 214.  
House Jour-  
nal, p. 36.

A PETITION of Zacheus Wicket and others Indians of Mashpee in the County of Barnstable and Owners of an Island called Oyster Island as heirs of Simon Wicket dec<sup>d</sup> Praying for leave from this Court to sell the said Island for discharging the debts with which it is incumbered, especially with the demands of the heirs of Daniel Parker Esq<sup>r</sup> dec<sup>d</sup> for the charge of defending in the law their right to the said Island.

In Council

Read &

*Ordered* that Mel<sup>h</sup> Bourne & Seth Williams Esq<sup>rs</sup> with Such as shall be Joyned by the House, be a Comittee to consider of this Petition & report as soon as may be what may be proper for this Court to do thereon

In the House of Represent<sup>ives</sup> read & Concurred & Jn<sup>n</sup> Russell W<sup>m</sup> Payne & Ste: Skiffe Esq<sup>rs</sup> are joyned with the Gent<sup>n</sup> appointed by the board in the Affair. [*Passed December 20.*]

## CHAPTER 174.

## ORDER WITH NOTICE REFERRING ISAAC GREENS PETITION FOR TRIAL OF AN ACTION.

A PETITION of Isaac Green Jun<sup>r</sup> of Falmouth in the County of Barnstable a poor prisoner for Debt, Shewing that he has been in custody ever since January 1733 upon execution on a Judgement recovered against him by Moses Mendall for £3 money damage and £30. 4. 6 costs of Court; Praying this Court to take his miserable circumstances into consideration for admitting him to an other Trial, or affording him some other relief.

Read and

*Ordered* that the Petitioner serve the said Moses Mendall with a copy of the Petition that he shew cause, if any he have, on Fryday the Thirtieth of December curr<sup>t</sup> if the Court be then sitting; if not, on the first Fryday of the next Sitting of the Court, why the Prayer thereof should not be granted; And the Petition is refer'd in the mean time for Consideration. [*Passed December 20.*]

Legislative  
Records of the  
Council,  
xvii. (1), 94.

House Jour-  
nal, p. 85.

## CHAPTER 175.

## ORDER WITH NOTICE REFERRING JANE NEIOMANS PETITION FOR RELIEF FROM A JUDGMENT.

A PETITION of Jane Naoman, Indian woman, of Chilmark in Dukes County, Shewing that she is imprisoned upon an execution of a Judgement obtained against her by John Allen Esq<sup>r</sup> that she is poor and sickly and of a great Age, and has offered to take the benefit of the Act referring to poor Prisoners for Debt, but has been denied it by the Justices, and therefore is now in very deplorable circumstances; Praying for relief from this Court.

Read, and in answer to the Petition :

*Voted* that the Petitioner cause the adverse Party John Allen Esq<sup>r</sup> to be served with a copy thereof, that so he may, if he see cause, make answer thereto on the second Tuesday of the next May Session, and that in the mean time the Sheriff or Keeper of the Goal in Dukes County be and hereby is impowered and directed to set free the Petitioner from goal; Provided she find Bail for her appearance and being delivered up again to the Keeper on the first day of July next. [*Passed December 20.*]

Legislative  
Records of the  
Council,  
xvii. (1), 95.

House Jour-  
nal, pp. 81, 82,  
97. Province  
Laws, ii., 656,  
chap. 7.  
*Ante*, p. 182,  
chap. 134.

## CHAPTER 176.

## ORDER ALLOWING 5/ PER DAY TO THE AGENTS ON THE AFFAIR OF THE LINE BETWEEN MASSACHUSETTS AND NEW HAMPSHIRE.

*Ordered*, that there be granted and allowed to be paid out of the Publick Treasury to such of the Agents (as are Members of the Hon<sup>ble</sup> Board) appointed by the Court to attend the Hon<sup>ble</sup> Court of Commissioners lately at Hampton after the rate of Five Shillings. in the new Tenour Bills, for each day they attended that service during the ser-

Legislative  
Records of the  
Council,  
xvii. (1), 97.

Legislative  
Records of the  
Council,

xvi. 1, 34.  
House Jour-  
nal, p. 34.  
*Auto*, p. 401,  
chap. 97.

vice, during the sitting of the Court at Salisbury, and to all the Agents for their attendance in the Recess of the Court after the rate of six shillings and eight pence of said Bills per diem, inclusive of subsistence. [*Passed December 21.*]

## CHAPTER 177.

### ORDER REFERRING TO THE PROPRIETORS OF THE NARRAGANSETT TOWNSHIP N<sup>o</sup> 6.

Legislative  
Records of the  
Council,  
xvii. 1, 38.

House Jour-  
nal, pp. 97, 98.  
Province  
Laws, xli. 673,  
chap. 78.

WHEREAS the Proprietors or the present possessors of the Narragansett Township called Number Six, have by their committee laid before this Court the following votes by them made and passed at their Meeting held at Concord on the first of November last, viz<sup>t</sup> "Whereas there is one hundred and twenty Lots besides publick Lots, laid out, and no more than sixty to be settled according to the terms and directions of Grant; It is therefore Voted and Agreed that sixty of the said Lots pay each Twelve Pounds, and the other Sixty Lots be settled with a Family, built upon and brought to, as directed in the Grant from the General Court, the Lots being all numbered, and those which are to pay twelve pounds, to be distinguished from those that are to be settled, in the following manner viz<sup>t</sup> That One Hundred and Twenty Tickets or Scrolls of Paper be made, sixty of which to be marked or numbered, and the other sixty Blank and all put into a Hat, and drawn by the Proprietors Clerk in open Meeting upon reading the List of the Proprietors, and if the Lot drawn out be numbered, the Person for whom it shall be drawn shall pay the twelve pounds, and the Person for whom a Blank shall be drawn shall build on and settle his Lot, according to the direction of the Grant; and so in the same manner to pay twelve pounds, or Settle, according to the Lot drawn, through the whole numbers, besides publick Lots; And the Lots being all made accordingly, those Sixty Lots charged with settling as aforesaid are numbered as followeth; viz<sup>t</sup> Number One, Four, Six, Seven, Nine, Eleven, Thirteen, Fourteen, Fifteen, Sixteen, Twenty, Twenty one, Twenty four, Twenty Eight, Twenty nine, Thirty, Thirty two, Thirty Seven, Thirty Nine, Forty, Forty two, Forty three, Forty four, Forty five, Forty Seven, Forty eight, Fifty four, Fifty seven, Sixty seven, Sixty three, Sixty four, Sixty Six, Seventy, Seventy four, Seventy five, Seventy seven, Seventy eight, Seventy nine, Eighty, Eighty one, Eighty eight, Eighty nine, Ninety four West, Ninety four East, Ninety five West, Ninety six East, Ninety seven, Ninety nine, One Hundred and two, One Hundred and three, One Hundred and four, One Hundred and eight, One Hundred and ten, One Hundred and eleven, One Hundred twelve, One Hundred and sixteen, One Hundred and seventeen, One Hundred and nineteen, One Hundred and twenty two; And all the rest of the Lots besides publick Lots, being Sixty in all, numbered as enter'd in the List of Proprietors in the Proprietors Book, and are each charged and are to pay the Twelve Pounds, (amounting in the whole to Seven Hundred and Twenty pounds) into the Treasury at two payments, viz<sup>t</sup> One half thereof within eighteen months from this time, and the other Half within two years and an half from this time, in Bills of Credit of the Old Tenour

"*Voted*, that out of the said sum of Seven Hundred and Twenty pounds, eight pounds be paid to each Settler within Three years; Provided he build a house on his Lot, and that the Remainder of said sum remain in the Treasury to be paid out and applied to the building a Meeting House and other charges as the Proprietors shall order."

And whereas the said Proprietors by their Committee aforesaid have humbly desired the Authority of this Court to oblige the Proprietors respectively to a compliance with the said Votes and pay their Dues and former Assessments: Wherefore,

It is

*Resolved* and

*Ordered* that the Proprietors of the said Lots, whether Settlers or those who are ordered to pay Twelve Pounds each, do settle and pay respectively according to the aforesaid Votes; and in case any of the Proprietors of the Sixty Lots that are to be settled fail of settling according to the Courts Grant and Votes of the Proprietors, then the Proprietors at a Meeting regularly assembled shall have full power to grant and dispose of such proprietors Right or Lot or Rights and Lots, to any other or others that will settle: And if any Proprietor or Proprietors of any of the Lots that are to pay the Twelve Pounds as aforesaid, or any other sums they stand charged with, according to the Vote or Votes of the Proprietors, fail in paying the same accordingly, the Proprietors Treasurer and Committee chosen or that may be chosen shall have full power to sell their rights or lands for the payment of such sums and charges occasioned by the Sale, they advertising the intended sale in the publick Prints, and attending the methods in the Disposition of the Lands to be observed in gathering rates or taxes levied by Order of this Court on unimproved Lands. [*Passed December 21.*]

## CHAPTER 178

ORDER IMPOWERING THE TRUSTEES OF ROXBURY SCHOOL TO EXCHANGE LAND.

A PETITION of Nehemiah Walter, Edward Ruggles and Samuel Gridley, Trustees of the Free School in Roxbury, Shewing that the Home Lot of the farm given by Mr Bell to the said School borders on the land of Ebenezer Gore and part of it lies very inconvenient for fencing; And therefore Praying that they may be impowered to make an exchange of a small slip of the said land with the said Ebenezer Gore for an equivalent in his land, which will be very beneficial to the School.

Read and

*Ordered* that the Prayer of the Petition be granted, and the Petitioners the Trustees of the Free School in Roxbury, are allowed and hereby impowered to make the Exchange of the School lands within mentioned to and with the said Ebenezer Gore, and to pass and execute a proper instrument in the law concerning the same accordingly. [*Passed December 21.*]

Legislative  
Records of the  
Council,  
xvii. (1), 101.  
House Jour-  
nal, p. 84.

## CHAPTER 179.

ORDER GRANTING SETH WILLIAMS JOS<sup>A</sup> LAMB ESQ<sup>RS</sup> AND OTHERS FURTHER TIME, TO SURVEY AND LAY OUT LAND.

A PETITION of Seth Williams Esq<sup>r</sup> Joshua Lamb Esq<sup>r</sup> Joseph Weld, Ebenezer Pierpoint, and the Heirs of John Bowles Esq<sup>r</sup> dec<sup>d</sup> Praying for further time for laying out Twelve Hundred and Six Acres of land, being their part of Four Thousand Acres formerly granted by the General Court to the Town of Roxbury.

Read, and

Legislative  
Records of the  
Council,  
xvii. (1), 104.  
House Jour-  
nal, p. 103.  
*Ante*, p. 335,  
chap. 166.

*Ordered* that the Prayer of the Petition be granted, and the Petitioners are allowed twelve months for taking and returning a Plat of the within mentioned granted Premises to the Petitioners, and that they return the same by a Survey<sup>r</sup> and Chain men on Oath, within said term for confirmation accordingly. [*Passed December 23.*]

## CHAPTER 180.

### ORDER ON THE PETITION OF JOHN BEARD & OTHERS TO BE SET OFF TO WILMINGTON FROM BILLERICA.

Legislative  
Records of the  
Council,  
xvii. (1), 56,  
112. Mass.  
Archives,  
cxiv., 182.

Mass.  
Archives,  
cxiv., 180.  
House Jour-  
nal, pp. 74, 106.

A PETITION of John Beard, Eben<sup>r</sup> Beard, Jacob Beard, Jonathan Baldwin, Peter Cornele and Richard Hopkins, all inhabitants of Billerica, and Samuel Walker as Agent for the town of Wilmington, Shewing that the above said inhabitants of Billerica live at a great distance from the place of publick worship there, and are much nearer to the Meeting House in Wilmington, And therefore Praying that they and their families and estates may be set off from Billerica and annexed to the town of Wilmington the Dividing Line between the said towns to be, from Tewksbury Line where it crosses Shawshin River, up said river to the end of the land of Ebenezer Beard upon a parallel Line, and so including Richard Hopkins's Farm.

Read, together with the Answer of the Select Men of the Town of Billerica, and the parties having been heard before the Board, and the matter being fully considered

*Ordered* that the Prayer of the petition be granted, and that the pet<sup>rs</sup> with their Estates within mentioned be & hereby are to all Intents and Purposes sett off from the Town of Billerica & annexd to the Town of Wilmington Provided they Shall pay their respective Proportion. of Such charge as may arise on Acct<sup>d</sup> of Building a meeting house in<sup>d</sup> Town of Billerica as though this Order had not been made. [*Passed December 23.*<sup>1</sup>]

## CHAPTER 181.

### ORDER FOR MAKING £6,000 BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (1), 106.

House Jour-  
nal, p. 106.  
*Ante*, p. 353,  
chap. 212.

*Ordered* that the Committee appointed by the General Court for signing the Publick Bills of Credit, be and hereby are impowered and directed to cause to be imprinted and struck off and sign as soon as may be Six Thousand Pounds of Bills of Credit of the new Tenour, that is to say Five Thousand Pounds thereof from the plate of the highest denomination and One Thousand Pounds from the second plate, and when finished to deliver the same to M<sup>r</sup> Treasurer Foye, taking his receipt for them; the Committee to be paid for their service as for signing the last Bills. [*Passed December 24.*]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 27.



## CHAPTER 182.

ORDER WITH NOTICE ACCEPTING THE COMMITTEES REPORT ON THE AFFAIR OF THE INDIAN PROPRIETORS OF OYSTER ISLAND AND REFERRING THE PETITION.

THE COMMITTEE appointed to consider the Petition [*ante*, p. 432, chap. 173] of the Indians (Proprietors of Oyster Island) have met and considered the same; Are of opinion that the Heirs of Daniel Parker Esq<sup>r</sup> who have said Island in Possession, be served with a Copy of said Petition, to shew cause if any they have on the first Tuesday of the next May Sessions of this Court, why the Prayer thereof may not be granted, and that the Petition be referred till that time which is humbly submitted in the name & per order of the Committee.

Legislative  
Records of the  
Council, xvii.,  
Mis., 6. Mass.  
Archives,  
xxxii., 216.  
Mass.  
Archives,  
xxxii., 214.  
Legislative  
Records of the  
Council,  
xvii. (1), 107.  
House Jour-  
nal, p. 107.  
*Ante*, p. 432,  
chap. 173.

Read & accepted & the Petition above mentioned is Referred accordingly. [*Passed December 24.*]

## CHAPTER 183.

ORDER APPOINTING A COMMITTEE ON JAS GILMORES PETITION RELATIVE TO TAXATION.

THOMAS BERRY, ESQ; brought down a Petition of *James Gillmore* of *Londonderry*, in the Province of *New-Hampshire*, shewing that the said Town of *Londonderry* is above six Miles to the North of *Merrimack-River*, and has always been accounted to be in said Province, and he hath paid Rates and Taxes there, notwithstanding which he hath been often disturbed by the Constable of the Town of *Methuen*, and that on the fourteenth of this Instant *October* he was apprehended by *Abel Merril*, a Constable of *Methuen*, for payment of *seven Pounds* for Rates &c. praying for relief.

Legislative  
Records of the  
Council,  
xvii. (1), 107.  
House Jour-  
nal, p. 49.  
House Jour-  
nal, p. 107.

In Council; Read and

*Ordered* that Jonathan Remington and Samuel Welles Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to consider of this Petition, and report what is proper for this Court to do thereon.

In the House of Represent<sup>ves</sup>; Read and Concur'd, and Eleazer Porter and Benjamin Prescot Esq<sup>rs</sup> and M<sup>r</sup> Thomas Norton are joined in the Affair. [*Passed December 24.*]

## CHAPTER 184.

ORDER IMPOWERING THE COMMISSIONERS OF THE £100,000 LOAN IN ESSEX COUNTY, TO EXHIBIT THEIR ACCOUNT.

A MEMORIAL of John Turner Esq<sup>r</sup> for himself and in behalf of the other Commissioners of the £100,000 Loan in the County of Essex, Setting forth the difficulties they were under, and the disappointments they met with in their endeavours to make up their Accompts within the time limited by this Court, and Praying that their Accompts herewith exhibited may be received and orders given concerning the forfeited Lands in their hands unsold:

Legislative  
Records of the  
Council,  
xvii. (1), 107.  
Legislative  
Records of the  
Council,  
xvii. (1), 88.  
House Jour-  
nal, p. 108.

*Ante*, p. 391,  
chap. 68.

Read and

*Ordered* that the Commissioners above mentioned be allowed to exhibit their Account before this Court notwithstanding the time limited for receiving such Accounts is elapsed; and that the Account above refer'd to be committed to the Committee of this Court appointed to examine the accounts of the Commissioners of the £100,000 Loan, and that the said Committee likewise consider what is proper to be done respecting the lands remaining unsold mentioned in the Memorial, and report thereon. [*Passed December 24.*]

## CHAPTER 185.

ORDER WITH NOTICE ON THE PETITION OF THE NORTH PRECINCT IN EASTHAM PRAYING TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (1), 109.

House Jour-  
nal, p. 79.

A PETITION of Samuel Smith in the Name and by Order of the Inhabitants of the North Precinct in Eastham Setting forth the great inconveniences they are under in attending their Civil Duties in the said Town, and therefore Praying they may be set off and constituted a separate Township.

Read and

*Ordered* that the Petitioners serve the Town of Eastham with a copy of the Petition that they shew cause, if any they have, on the Second Thursday of the next May Session of this Court, why the Prayer thereof should not be granted; and the Petition is refer'd in the mean time for Consideration. [*Passed December 26.*]

## CHAPTER 186.

ORDER IMPOWERING NATH<sup>L</sup> & MARY COOCHUCK INDIANS, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (1), 109.

House Jour-  
nal, pp. 96, 97.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 66,  
chap. 133.

A PETITION of Nathaniel and Mary Coochuck of Natick, Indians, Praying liberty from this Court to make sale of about ten Acres of land in said place which they own in right of the said Mary, the proceeds whereof to be applied for purchasing materials for covering and finishing a Barn which he has erected, and the remainder for purchasing Sheep and utensils of Household.

Read and

*Ordered* That the prayer of the Petition be granted and the Petitioners are allowed and impowered to make sale of the ten acres of Land within mentioned for the most the same will fetch, the proceeds to be applied for the uses aforesaid, and to proceed in the Sale according to the rules and directions of the Act of the Province of the Sixth year of His late Majesty's reign Chap. 3. relating to the Sale of Real Estates, and to pass and execute in due Form of Law a good Deed or Deeds of Sale and Conveyance thereof to the Person or Persons who shall purchase the same: And Francis Fulham Esq<sup>r</sup> is desired and impowered to see the Petitioners have justice done them in the Sale of the premisses and that the proceeds thereof are justly and truly paid and applied for the uses in the Petition mentioned and agreeable to the Prayer thereof. [*Passed December 26.*]

## CHAPTER 187.

ORDER DIRECTING THE COUNTY TREASURER OF BARNSTABLE TO PAY  
SAM<sup>L</sup> GOODSPEEDS ACCOUNT.

A PETITION of Samuel Goodspeed one of the Deputy Sheriffs for the County of Barnstable, Praying that he may be reimbursed the charge of apprehending one Joseph Wampam an Indian of Mashpee in the said County upon suspicion of his murdering one Daniel Attiguen, and that the charge of the Trial of the said Indian within the said County may be paid by Order of this Court:

Read and in answer to this Petition

*Resolved* that the charge of the Sheriff and his Aid in pursuing and taking the said Joseph Wampam be paid out of the County Treasury of the County of Barnstable, The Accompt whereof to be examined and allowed by the Court of General Sessions of the Peace for said County. [*Passed December 27.*]

Legislative  
Records of the  
Council,  
xvii. (1), 110.

House Jour-  
nal, p. 107.  
*Ante*, p. 341,  
chap. 179.

## CHAPTER 188.

## VOTE APPOINTING A COMMITTEE TO VIEW CASTLE WILLIAM.

In the House of Representatives

*Voted* That M<sup>r</sup> Moody M<sup>r</sup> Blasedell Col<sup>o</sup> Alden Ezekiel Cheever & Henry Rolfe Esq<sup>rs</sup>, with such as shall be joined by the Hon<sup>ble</sup> Board, be a Committee to repair to His Majestys Castle William with the Leave of His Excellency the Gov<sup>r</sup> and Capt. General; And That they take a Careful Inspection and View of the Works and Repairs lately made there, and report the Condition and Circumstances they find them in, and that they also report what may be a proper Allowance for the Committee for their Service in s<sup>d</sup> Affair

In Council

Read & Concur'd And John Stoddard Jeremiah Moulton & Nathaniel Hubbard Esq<sup>rs</sup> are joined in the Affair. [*Passed December 27.*]

Legislative  
Records of the  
Council, xvii.,  
Misc., 7. Mass.  
Archives,  
lxxii., 451.

Legislative  
Records of the  
Council, xvi.,  
508, 509;  
xvii. (1),  
111 *bis*.  
House Jour-  
nal, p. 113.  
*Ante*, p. 347,  
chap. 199.

## CHAPTER 189.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETI-  
TION OF NATH<sup>L</sup> UPHAM AND OTHERS OF MALDEN IN REGARD TO  
TAXATION FOR THE SUPPORT OF THE MINISTRY.

THE COMMITTEE appointed to repair to Malden &c do Report that they have thoroughly viewed said Town and fully heard the several Parties; And it appears to the Committee that there has been a long Dissention in said Town, particularly about the place of Publick Worship; that about ten years agoe a Meeting House was built at the charge of the Town, and placed so as to suit the Northwardly Part of the Town: some years after an other Meeting House was built by the Southwardly Part of said Town and in that part of the Town a Minister has been settled and ordained; and there seems no prospect that the Town will again unite again<sup>1</sup> in one Place of Worship. It likewise

Legislative  
Records of the  
Council,  
xvii. (1), 112.

House Jour-  
nal, p. 112.  
*Ante*, p. 430,  
chap. 199.

<sup>1</sup> *Sic.*

appears by the consent of the parties that the Division of the Town by the Lines proposed by the Petitioners is an equal Division of said Town; it also appears by the consent of the Parties that the Towns Meeting House (as it is called) is so situate as best to accommodate the Northern Part of the Town and that the South Meeting House is situate so as well to accommodate the People in the Southern Part of the Town: The Committee do further represent that the principal objection made by the Northern Part of the Town against their being divided into two Towns or Parishes is their inability to maintain two Ministers. The Committee to satisfy themselves examined some of their Tax Bills, by which it appears that there are about Two Hundred and ten Polls in said Town, and that the inhabitants of said Town generally pay to M<sup>r</sup> Emerson very small rates; so that there seems to be no reason to question the ability of the Town to maintain two Ministers. Therefore the Committee are of Opinion, for promotion of Religion and the Peace of the Town, The town of Malden be divided into two Precincts, and that the Southern Precinct be bounded by the Lines described in their Petition and that all the Polls on the Southwardly side of the Divisional Line together with their estates lying and being in the Town of Malden be taxed in the South Precinct, saving that Samuel Bucknam, John Shute, James Honey, James Green, Obadiah Jenkins, Isaac Wheeler, Isaac Wait and Jonathan Knowler, be allowed for the present to continue in the North Precinct and that their Polls and Estates be taxed there, so long as they with their Families shall generally attend the Worship of God in the Northwardly Parish: and that the Polls on the Northwardly Side of the Divisional Line with their Estates lying and being in the Town of Malden shall be taxed in the Northwardly precinct. And whereas there is a considerable estate (lying partly in the Town of Malden and partly in other towns) voted to the support of the Ministry in the town of Malden; the Committee are of Opinion that the Profits and Income of all such estate shall be equally divided to the two Precincts, and applied to the support of their respective Ministers; saving that the Rev<sup>d</sup> M<sup>r</sup> Emerson have the improvement and profit of the Parsonage House and Land in Malden during his life or continuance in the Ministry there. All which is humbly submitted.

In the Name and by Order of the Committee

Boston Dec. 24. 1737.

JOHN STODDARD.

Read and

*Ordered* that this Report be accepted. [*Passed December 27.*]

## CHAPTER 190.

### VOTE IMPOWERING THE COMMISSIONERS OF THE £100,000 LOAN IN THE COUNTY OF BARNSTABLE TO SELL MORTGAGED LANDS.

*Voted* that Joseph Lothrop and Ebenezer Lewis Esq<sup>r</sup><sup>1</sup> the surviving Commissioners for the County of Barnstable for letting out the Hundred Thousand Pounds Loan, together with John Russel Esq<sup>r</sup> (any two of them to be a Quorum) are hereby authorized and impowered to make sale of the mortgaged Lands in said Commissioners hands for the most they will sell for, and to pass and execute good Deeds for the same, and to pay the money arising on such Sale or Sales into the Treasury, deducting therefrom their reasonable charges, And that before the sale they give publick notice thereof by posting up Notifications of the time and place of Sale, at least Sixty Days before

Legislative  
Records of the  
Council,  
xvii. 1, 115.

House Jour-  
nal, pp. 113, 114.  
*Ante*, p. 391,  
chap. 68.

<sup>1</sup> The House Journal, p. 113, reads, "Esqrs."

sale, in the Town where the Lands ly, and in the Shire Town of the County where such Towns are. But in case such mortgaged Estate shall sell for more than the principal sum taken up thereon with Interest to the time of receiving the money produced by such sale and the necessary cost and charges, the Overplus shall be paid to the Mortgager, his heirs or assigns. [*Passed December 28.*]

## CHAPTER 191.

### ORDER IMPOWERING TRUCK MASTERS TO MAKE PRESENTS TO THE INDIANS FROM THE PUBLIC STORES.

INASMUCH as Provisions are this winter more than ordinary scarce and dear, and its probable the Indians may meet with great difficulties in obtaining the means of their subsistence in this Season: Therefore

*Voted* that His Excellency the Governour be desired to give his Orders to the several Truck Masters to distribute in the name of this Government out of the Publick Stores of Provision and Ammunition, to the value of the sums hereafter affixed to their names respectively, in Bills of Credit of the new Tenour, in such manner as may best suit the indigent and necessitous circumstances of the Indians trading there, and also as may most promote the good agreement subsisting between this Government and the Indians.

The Truck Master at Fort Dummer to distribute Twenty six Pounds thirteen shillings and four pence.

The Truck Master at St Georges Block House, Forty three Pounds, six shillings and eight pence.

The Truck Master at Richmond, Twenty Six Pounds, eighteen shillings and four pence:<sup>1</sup> and

The Truck Master at Saca<sup>2</sup> Block House, Sixteen Pounds thirteen shillings and four pence.

In all the Sum of One Hundred and thirteen Pounds six shillings and eight pence. [*Passed \* December 28.*]

Legislative  
Records of the  
Council,  
xvii. (1), 116.  
Legislative  
Records of the  
Council,  
xvii. (1), 53.  
Mass.  
Archives,  
cxix., 339.  
House Jour-  
nal, p. 109.

## CHAPTER 192.

### ORDER ALLOWING £6. 13. 4 TO ROBT WILSON.

A PETITION of Robert Wilson, Praying for some further Allowance from this Court for Wounds he received in the Publick Service by which he is disabled from doing any thing considerable for his support

Read and

*Ordered* that the sum of Six pounds thirteen shillings and four pence in Bills of the new Tenour be granted and allowed to be paid out of the Publick Treasury to M<sup>r</sup> Thomas Cushing Jun<sup>r</sup> for the use of the Petitioner, and by him to be paid and applied for his relief and support as his necessities and circumstances may require and call for, in consideration of the wound received in the service of the Province in the late Indian War. [*Passed December 28.*]

Legislative  
Records of the  
Council,  
xvii. (1), 118.  
House Jour-  
nal, pp. 81, 97.  
Province  
Laws, xi., 771,  
chap. 158.

<sup>1</sup> The treasurer's accounts, Mass. Archives, cxix., 339, reads, 26. 13. 4.

<sup>2</sup> The House Journal, p. 119, reads, "Saco."



## CHAPTER 193

ORDER ALLOWING 5/ PER DAY TO THE COMMISSIONERS FOR FARMING OUT THE EXCISE.

Legislative  
Records of the  
Council, xvii. 1, 121.

House Jour-  
nal, p. 116.  
*Ante*, pp. 332–  
335, chaps. 72–  
82.

*Ordered* that Five Shillings a day in Bills of Credit of the new Tenour be allowed and paid out of the Publick Treasury to each of the Gentlemen appointed by this Court to farm out the Excise in the several Counties within this Province, in full for their service and expences in said affair. [*Passed December 29.*]

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## CHAPTER 194.

ORDER IMPOWERING CPT. JOHN LARRABEE TO CHARGE 17/ 6 PER WEEK PER MAN FOR VICTUALLING THE GARRISON AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xvii. 1, 121.

House Jour-  
nal, p. 114.  
*Ante*, p. 427,  
chap. 160.

A PETITION of Cpt. John Larrabee Victualler of the Garrison at His Majesty's Castle William, Shewing that by the Order of this Court on his last Petition sufficient Provision was not made for his relief under his difficulties by reason of the extravagant price of the necessities of life for victualling the said Garrison; And therefore Praying that the Court would take the matter into further consideration and state his allowance so as that he may be no loser in that service.

Read, and in answer to this Petition

*Ordered*, that the Petitioner Lieut.<sup>1</sup> John Larrabee be and is hereby allowed and empowered to make up the Accompt of his victualling the said Garrison for the next succeeding six months at the rate of seventeen shillings and six pence per week for each Officer and Soldier born on the Roll of the said Castle, and that the same be and is hereby granted to be allowed and paid out of the Publick Treasury accordingly. [*Passed December 29.*]

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## CHAPTER 195.

ORDER ALLOWING £40 TO THE TUTORS OF HARVARD COLLEGE.

Legislative  
Records of the  
Council, xvii. 1, 122.

House Jour-  
nal, p. 119.  
*Ante*, p. 345,  
chap. 192.

*Ordered* that the sum of Forty Pounds in Bills of the new Tenour be allowed and paid out of the Publick Treasury to the four present Tutors of Harvard College in consideration of their extraordinary services in the care and inspection of the College since the death of the late Rev<sup>d</sup> and Hon<sup>d</sup> M<sup>r</sup> President Wadsworth, till the Inauguration of the present President, including Thirty Pounds remaining in the Treasury of the Grant of this Court to the late President on the 29<sup>th</sup> of January last.<sup>2</sup> [*Passed December 30.*]

<sup>1</sup> *Sic.*

<sup>2</sup> This passed the House on the 29<sup>th</sup>, the Council February 3. See *ante*, p. 345, chap. 192.

## CHAPTER 196.

ORDER IMPOWERING WM AND ELIZ: WRIGHT TO PROSECUTE AN  
APPEAL FROM A SENTENCE.

A PETITION of William Wright of Walpole, and Elizabeth his wife, Praying that they may be allowed to appeal from a sentence pass'd on them by John Fisher Esq<sup>r</sup> one of His Majesty's Justices of the Peace for County of Suffolk on a complaint of Peter Lyon and Sarah his wife charging the Petitioners with publishing a Ly, tending to their Defamation; Forasmuch as the Petitioners claimed their Appeal but were told by the said Justice that it was too late.

Legislative  
Records of the  
Council,  
xvii. (1), 123.  
House Jour-  
nal, p. 122.

Read & in answer to this Petition

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioners be and hereby are allowed and impowered to prosecute their Appeal from the Order or Sentence of the within named John Fisher Esq<sup>r</sup> on the complaint within mentioned, to the Court of General Sessions of the Peace to be held at Boston in and for the County of Suffolk on the first Tuesday of April next, And the said Court is hereby impowered and directed to hear and try the said Appeal, enter up Judgement, and award Execution accordingly: Provided the Petitioners file their Reasons of Appeal with the Clerk of the said Court seven days at least before the time by Law appointed for holding the same, and seasonably notifying the adverse parties the said Peter Lyon and Sarah his Wife with a copy of this Petition and Order. [*Passed December 30.*]

## CHAPTER 197.

VOTE ON BARNSTABLE<sup>1</sup> PETITION ABOUT THE COLLECTION OF TAXES.

A PETITION of Joseph Lothrop Esq<sup>r</sup> and others, Agents for the Town of Barnstable,<sup>1</sup> Shewing that in the year 1732 the Select Men, as Assessors of the said Town, committed to Gideon Hathway (one of the Constables of the said Town) a List of Assessment of the sum of £119. 9 assessed on the Inhabitants of the East Precinct for their Town and County Tax, with warrant to collect the same, which he has accordingly done, but refuses to pay the money into the respective Treasurers, taking advantage, as the Petitioners suppose, from this that the Town and County Tax were not distinguished; by which means the Treasurers are at a loss how to recover the said money out of his hands And therefore Praying that this Court would confirm the said Assessment notwithstanding the said defect of form, and also enable the Town and County Treasurers to inforce the payment thereof in a course of Law.

Legislative  
Records of the  
Council,  
xvii. (1), 124.  
House Jour-  
nal, p. 120.

*Voted* that the List together with the Warrant committed by the Select Men of the Town of Barnstable unto Gideon Hathaway, Constable of said Town in the year 1732 for collecting the sum of One Hundred and nineteen pounds nine shillings, as a County and Town Tax, be as good and valid as if the same had been committed in two distinct Lists; And that the said Constable be impowered and directed to collect the same from all such as have not already paid, and to pay such sum or sums as he hath or shall collect into the County and Town Treasury agreeable to said Warrants. [*Passed December 30.*]

<sup>1</sup> The House Journal, p. 120, reads, "*Braintree*," evidently a mistake.

## CHAPTER 198.

## ORDER CONFIRMING A PLAT OF THE TOWNSHIP OF NORTHAMPTON.

Legislative  
Records of the  
Council, xvii.,  
126.

House Jour-  
nal, p. 114 *bis*.

A PLAT of the Town of Northampton Surveyed by Oliver Part-ridge and Chain men belonging to the Towns of Northampton and Hatfield; Having been committed to a Committee of the House of Represent<sup>ves</sup> Benjamin Prescot Esq<sup>r</sup> from said Committee reported<sup>1</sup> thereon. The Committee to whom was refer'd the within Plat of the Township of Northampton made Report, which was read and Accepted And therefore

*Ordered*, that the Bounds of the Town of Northampton be confirmed agreeable to the above Plat; Provided that where the same joins to Springfield, the Bounds be according to the Agreement between those Towns. [*Passed December 30.*]

## CHAPTER 199.

## ORDER IMPOWERING THE COMMISSIONERS OF THE £100,000 LOAN FOR THE COUNTY OF MIDDLESEX TO EXHIBIT THEIR ACCOUNT.

Legislative  
Records of the  
Council, xvii.,  
124.

House Jour-  
nal, p. 121.  
*Ante*, p. 391,  
chap. 68.

A MEMORIAL of Charles Chambers Esq<sup>r</sup> and others Commissioners of the £100,000 Loan for the County of Middlesex, Setting forth the reasons which have hindered their compliance with the Order of this Court for rendering their Accompts; and Praying excuse for the same, and that the Court would now receive their Accompt herewith exhibited and give Orders about the forfeited Lands remaining unsold.

Read and

*Ordered* that the Commiss<sup>rs</sup> within mentioned be and hereby are allowed to exhibit their Accompt to this Court, notwithstanding the time limited for receiving such Accompts is elapsed, and that the Accompt within refer'd to be committed to the Committee of this Court appointed to examine the Accompts of the £100,000 Loan, And that the said Committee likewise consider what is proper to be done respecting the Lands remaining unsold mentioned in this Memorial, and report thereon. [*Passed December 30.*]

## CHAPTER 200.

## ORDER ALLOWING £416. 13. 4 TO THE JUDGES.

Legislative  
Records of the  
Council, xvii.,  
Mis., 7. Mass.  
Archives, xli.,  
238.

Legislative  
Records of the  
Council,

*Ordered* That the sum of Four hundred and Sixteen pounds, thirteen shillings and four pence in Bills of Credit of the new tenour be granted and allowed to be paid out of the publick treasury to the honourable the Justices of His Majestys superiour Court of Judicature, and Court of assize and General Goal Delivery for their services the year past, which will end the first day of January next; and that the further sum of thirty

<sup>1</sup> "The Committee to whom the Plat of the Township of *Northampton* was referred, have examined the several Grants and Orders of the General Court relating to said Township, and find the Plat is conformable thereunto, are therefore of Opinion that the same be accepted and confirmed; and that the Lines therein described be deemed and allowed to be the Bounds of the said Township, provided that where the same joins to *Springfield* the Bounds be according to the Agreement made between those Towns."—House Journal, p. 114.

three pounds, six shillings, & Eight pence of the said New tenour Bills be granted & allowed to be paid out of the publick Treasury to the honourable the said Justices in Consideration of their extraordinary trouble & Charge in going to the Island of Nantucket this year & holding a Court of assize there. [*Passed December 31.*]

xvii. (1), 127.  
House Journal, p. 124.

## CHAPTER 201.

### ORDER ALLOWING £50 TO THE SECRETARY.

*Ordered* that the sum of Fifty Pounds of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his Services the year past ending the third of this instant December. [*Passed December 31.*]

Legislative  
Records of the  
Council,  
xvii. (1), 127.  
House Journal, p. 124.  
*Infra*, chap. 202.

## CHAPTER 202.

### ORDER ALLOWING A FURTHER SUM OF £33. 6. 8 TO THE SECRETARY.

*Ordered* that the sum of Thirty three pounds six shillings and eight pence of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &c in consideration of his extraordinary Services. [*Passed December 31.*]

Legislative  
Records of the  
Council,  
xvii. (1), 128.  
House Journal, p. 124.  
*Supra*, chap. 201.

## CHAPTER 203.

### ORDER ALLOWING £210 AND A FURTHER SUM OF £70 TO THE TREAS<sup>R</sup>.

*Ordered* that the sum of Two Hundred and ten pounds of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to William Foye Esq<sup>r</sup> Treasurer and Receiver General of His Majestys Revenues within this Province for his services for eighteen months which will end the Second day of January next; And that the further Sum of Seventy Pounds of the said Bills be granted and allowed to be paid out of the Publick Treasury to the said William Foye Esq<sup>r</sup> in full consideration of the time and trouble he was exposed to in exchanging the torn and defaced Bills of the Province and paying the Premiums or Bounty of Hemp and Flax to this time. [*Passed December 31.*]

Legislative  
Records of the  
Council,  
xvii. (1), 128.  
House Journal, p. 124.

## CHAPTER 204.

### ORDER ALLOWING £16. 13. 4 TO D<sup>R</sup> WIGGLESWORTH.

*Ordered* that the sum of Sixteen pounds thirteen shillings and four pence of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to the Rev<sup>d</sup> D<sup>r</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge as a Gratiuity in consideration of his faithful discharge of that great and important Trust reposed in him, and for his further encouragement therein. [*Passed December 31.*]

Legislative  
Records of the  
Council,  
xvii. (1), 128.  
House Journal, p. 125.

## CHAPTER 205.

ORDER ALLOWING £53. 6. 8 AND A FURTHER SUM OF £10 TO JOHN WAINWRIGHT CLERK OF THE HOUSE.

Legislative  
Records of the  
Council,  
xvii. (1), 129.  
House Jour-  
nal, p. 125.

*Ordered* that the sum of Fifty Three pounds six shillings and eight pence of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House in full for his Service to the next May Session; and that the further sum of Ten Pounds of the said Bills be granted and allowed to be paid out of the Publick Treasury to the said John Wainwright Esq<sup>r</sup> in consideration of his extraordinary trouble during the Sitting of the Court at Salisbury. [*Passed December 31.*]

## CHAPTER 206.

ORDER ALLOWING £26. 13 AND A FURTHER SUM OF £16. 13. 4 TO RICHARD HUBBARD, DOOR KEEPER.

Legislative  
Records of the  
Council,  
xvii. (1), 129.  
House Jour-  
nal, p. 125.

*Ordered* that the sum of Twenty Six pounds thirteen Shillings and four pence of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to M<sup>r</sup> Richard Hubbard Door Keeper to His Excellency the Governor and this Court, which (with Twenty Pounds lately granted him in said Bills) is in full for his Service for the year currant determining the nineteenth day of February next; And that the further sum of Sixteen pounds thirteen shillings and four pence of the said Bills be granted and allowed to be paid out of the Publick Treasury to the said M<sup>r</sup> Richard Hubbard in full of all his trouble and charge in going to and attending the Court at Salisbury, and transporting the books papers &<sup>c</sup> there and back to Boston. [*Passed December 31.*]

## CHAPTER 207.

ORDER ALLOWING £13. 6. 8 TO THE CHAPLAINS OF THE COURT.

Legislative  
Records of the  
Council,  
xvii. (1), 129.  
House Jour-  
nal, p. 125.

*Ordered* that the sum of Thirteen pounds six shillings and eight pence of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury, viz<sup>t</sup> the one Half thereof to the Rev<sup>d</sup> [M<sup>r</sup> William Cooper]<sup>1</sup> Chaplain of the Hon<sup>ble</sup> Board the year currant, and the other Half to the Rev<sup>d</sup> M<sup>r</sup> Samuel Checkley the Chaplain of the House for his service the year currant. [*Passed December 31.*]

## CHAPTER 208.

ORDER REMITTING TO TIM<sup>o</sup> PROUT THE DUTY ON 30 TONS OF WOOD.

Legislative  
Records of the  
Council,  
xvii. (1), 132.

A PETITION of Timothy Prout of Boston, merchant, Praying that the Impost of a parcel of a Parcel<sup>2</sup> of Logwood saved with much

<sup>1</sup> Inserted from Executive Records of the Council, x., 178.

<sup>2</sup> *Sic.*



charge of the Wreck of a sloop belonging to him called the John and Sarah, may be remitted to him. House Journal, p. 126.

Read and

*Ordered* that the Prayer of the Petition be granted, and the Commissioner of Impost is hereby required and directed to remit the duties on the Thirty Tuns of Wood within mentioned accordingly. [*Passed January 2.*]

## CHAPTER 209.

ORDER WITH NOTICE REFERRING THE PETITION OF JOS. CURTIS FOR LEAVE TO TRANSFER LAND.

A PETITION of Joseph Curtis of Kittery, Shewing that as Coroner in the County of York in the year 1727 he extended an Execution on a Judgement recovered by M<sup>r</sup> Jacob Royal of Boston for the sum of £83. 1. 8 and Cost, against James Tyler of York on Forty Acres of Land and a Saw Mill belonging to said Tyler which he thought sufficient to satisfy the Execution; but the said Royal would not accept of it, but brought his Action against the Petitioner and obliged him to pay the said Judgement out of his own proper Estate; And therefore Praying that the said Royal may be impowered to transfer the said Land and Mill to the Petitioner his Heirs and Assigns, reserving to the said Tyler the Equity of redemption thereof.

Legislative  
Records of the  
Council,  
xvii. (1), 132.  
House Journal,  
p. 126.

Read, and

*Ordered* that the Petitioner serve Jacob Royal Esq<sup>r</sup> and the said James Tyler with copies of the Petition, that they respectively shew cause, if any they have, on the first Thursday of the next Sitting of the Court, why the prayer thereof should not be granted; And the Petition is refer'd in the mean time for Consideration. [*Passed January 2.*]

## CHAPTER 210.

ORDER CONFIRMING A PLAT OF 600 ACRES OF LAND TO THE HEIRS OF CPT. JOHN MILES.

A PLAT of Six Hundred Acres of land granted by this Court to the heirs of Cpt. John Miles dec<sup>d</sup> laid out anew by William Chandler Survey<sup>r</sup> lying near the Twelve Mile Pond on the Road from Westfield to Sheffield, beginning at the Corner where the first Survey began, viz<sup>t</sup> at a White Ash Tree standing a little below the lower End of the said Pond; thence running South 40° 00' West by the Needle three hundred and twenty rods to a Stake and Heap of Stones in moist land; thence West 40° 00' North three hundred rods to an Elm Tree mark'd; thence North 40° 00' East three hundred and twenty rods to a crotched Maple Tree mark'd and Stones about it; thence to the first mentioned Corner.

Legislative  
Records of the  
Council,  
xvii. (1), 134.  
Maps and  
Plans, Mis.,  
xi., 14.  
Maps and  
Plans, xi., 14.  
House Journal,  
pp. 126, 127.  
*Ante*, p. 237,  
chap. 251.

Read and

*Ordered* That the plat be & hereby is Accepted and the Lands therein delineated and described and as reformed be & are accordingly confirmed to the Heirs and lawfull Representatives of the within named Cap<sup>t</sup> John Myles deceased their Heirs and Assigns respectively in full satisfaction of the Grant within mentioned provided the plat exceeds not the quantity of six hundred Acres of Land with the allowance for swag of Chain of one rod in thirty, & interferes with no former Grant,

and the Confirmation of the former plat of said Grant is hereby superseded & declared Null & void to all Intents & purposes as though it had never been made. [*Passed January 3.*]

## CHAPTER 211.

### VOTE ALLOWING THE ACCOUNT OF THE TREASURER AND RECEIVER GENERAL.

Legislative  
Records of the  
Council,  
xvii. (1), 135.  
Mass.  
Archives,  
cxxiv., 69.

House Jour-  
nal, pp. 88, 89.

THE WITHIN ACCOMPT of William Foye Esq<sup>r</sup> Treasurer and Reciever General of His Majestys province of the Massachusetts Bay in New Eng<sup>d</sup> begining May 26 1736 and ending May 25. 1737 having been presented to and laid before the House of Representatives and inspected by them by which it Appears that the said Accomptant chargeth him self with several Assessments, Loans, Interest money &c outstanding, due from the several towns Amounting to Sixty Nine thousand three hundred and Six pounds four shillings and Eight pence agreeable to a Schedule he recieved from the late Treasurer Jeremiah Allen Esq<sup>r</sup> also with the Four p Cent. Interest on the Sixty thousand pounds Loan he has recieved since the 18<sup>th</sup> of June 1736 Amounting to Nine hundred and forty six pounds and three pence; also with a Tax laid on the several towns Anno 1736 Amounting to Thirty Three Thousand Two Hundred and Twenty Eight pounds; twelve shillings and six pence, also with sundry sums recieved for Excise; principal and Interest recieved of the One Hundred thousand pounds Loan together with Impost, all amounting to ten thousand and Ninety Eight pounds sixteen shillings and eleven pence; furthermore he chargeth himself with seven hundred and fifty pounds as recieved of the Committee for the Line of towns; also with Thirty thousand two Hundred forty one pounds, Nineteen shillings & five pence as recieved in part from the late Treasurer Jeremiah Allen Esq<sup>r</sup> there Still remaining in the hands of the said Allen the sum of One thousand and Nine pounds, three shillings and five pence for which he the said Allen is to Account.

And the Accomptant further chargeth himself with Nine thousand pounds in Bills of the New Tenour he recieved from the Committee for signing bills all y<sup>e</sup> afore mentioned Receipts Amount to One Hundred fifty three thousand five hundred and seventy one pounds, thirteen shillings and Nine pence, whereof Nine thousand pounds were Bills of the new Tenour

And that the Accomptant dischargeth himself by sundry payments and Disbursments in Bills of the old Tenour for which he hath produced sufficient Vouchers Amounting to twenty four thousand five hundred and Eighty one pounds seventeen shillings and three pence; And also for sundry payments in Bills of the new Tenour for which he hath exhibited sufficient Vouchers Amounting to Five thousand six hundred thirty two pounds, thirteen shillings and two pence both Amounting to Thirty thousand two Hundred and fourteen pounds ten shillings and five pence

That the Accomptant chargeth as Outstanding in the several towns of their Taxes, Loans Interest Money &c the sum of seventy Nine thousand Four hundred twenty four pounds Nine shillings and eleven pence

*Voted* That the said Accompt be allowed, and that the Accomptant William Foye Esq<sup>r</sup> Treasurer and Reciever General of His Majesty's Revenue here be and hereby is discharged of the sum of Twenty four Thousand Five Hundred and Eighty one pounds seventeen shillings and three pence Bills of the old Tenour; and also of the sum of Five

thousand Six hundred and thirty two pounds thirteen shillings and two pence Bills of the new Tenour; and that he be further Accountable for the sum of seventy Nine thousand Four hundred and twenty four pounds Nine shillings and Eleven pence outstanding in the towns for Taxes &c And for the sum of Forty thousand Five hundred and sixty Five pounds six shillings and seven pence Net Bills of the old Tenour, And for Three Thousand Three Hundred Sixty seven pounds Six shillings and ten pence Nett Bills of the New Tenour. [*Passed January 3.*]

## CHAPTER 212.

ORDER ACCEPTING THE COMMITTEES REPORT ON NATH. WILLIAMS PETITION IN REGARD TO TAXATION, AND ORDERING THE TOWNS OF TAUNTON AND RAYNHAM TO PAY THE EXPENSE THEREOF.

JOHN CUSHING ESQ<sup>R</sup> from the Committee of both Houses on the Petition of Nath<sup>l</sup> Williams, gave in the following Report, viz<sup>t</sup>

The Committee having repaired to the Lands of the Petitioner &c are of Opinion that all the three Pieces of Land lying on the East side of the Line that runs from Shallow Water to Prospect Hill, and joining thereto (only separated by Highways) which did belong to Mr John Williams's Heirs, and was in the Improvement of the Petitioner the Eldest son of the said John, when Raynham was made a Township, is reserved to Taunton by the true meaning of the Act for making Raynham a Township, and according to the Agreement and true intent of the Parties, And that the said Act ought so to be understood, and therefore that the Assessors of Raynham ought not to rate said land or the Petitioner for them, but return him what he has been rated for them heretofore. All which is humbly submitted

Legislative  
Records of the  
Council,  
xvii. (1), 137.

Province  
Laws, ii., 590,  
chap. 14.  
House Jour-  
nal, p. 131.  
*Ante*, p. 378,  
chap. 41.

JOHN CUSHING per Order.

Read and

*Ordered* that this Report be Accepted and that the Towns of Taunton & Raynham pay the Committee for their Time and Expence, in equal proportion, the sum of Twelve pounds, five shillings. [*Passed January 3.*]

## CHAPTER 213.

ORDER APPOINTING A COMMITTEE ON THE REPORT IN REGARD TO THE LATE TREASURERS ACCOUNTS.

JOHN JEFFRIES ESQ<sup>R</sup> from the Committee of both Houses appointed to settle Accompts with the late Treasurer, Reported,

Legislative  
Records of the  
Council,  
xvii. (1), 133.

That they had attended that service, and M<sup>r</sup> James Allen appearing in behalf of his Father gave in the answer which is herewith presented.

In Council; Read, together with the Answer of Jeremiah Allen ESQ<sup>r</sup> above refer'd to, and

Legislative  
Records of the  
Council,  
xvii. (1), 127.  
House Jour-  
nal, p. 134.  
*Ante*, p. 429,  
chap. 165.

*Ordered* that Thomas Hutchinson, John Stoddard and William Dudley ESQ<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to consider & report what is proper for this Court further to do in the affair.

In the House of Represent<sup>ves</sup> Read and Concur'd and Samuel Danforth ESQ<sup>r</sup> M<sup>r</sup> Hutchinson, Benjamin Prescott ESQ<sup>r</sup> M<sup>r</sup> Thomas Cushing and James Warren ESQ<sup>r</sup> are joined in the affair. [*Passed January 4.*]<sup>1</sup>

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 3.

## CHAPTER 214.

## ORDER FOR A TOWN MEETING IN WATERTOWN.

Legislative  
Records of the  
Council,  
xvii. (1), 138.

House Jour-  
nal, p. 132.  
*Ante*, p. 427,  
chap. 159.  
*Infra*, chap.  
215.

*Ordered* that Nathaniel Harris of Watertown Esq<sup>r</sup> be and hereby is fully authorized and impowered to assemble and convene the Freeholders and other Inhabitants of the said Town at the usual place of their Meeting, to elect and depute such Select Men and other Town Officers as were chosen for the currant year and were Inhabitants of that part of said Town which by Order of this Court in their present Sitting were set off and erected into a Separate and distinct Township, the Select men and other Officers so chosen to stand till the Anniversary Meeting of said Town in March next. [*Passed January 4.*]

## CHAPTER 215.

## ORDER FOR A TOWN MEETING OF THE NEW TOWN TAKEN OUT OF WATERTOWN.

Legislative  
Records of the  
Council,  
xvii. (1), 139.

House Jour-  
nal, p. 132.  
*Supra*, chap.  
214.

*Ordered* that M<sup>r</sup> William Brown one of the principal Inhabitants of the new Town<sup>1</sup> taken out of the Town of Watertown by this Court in their present Sitting, be and hereby is fully authorized and impowered to assemble and convene the qualified Voters there, in some suitable place, to elect and appoint a Town Clerk and other Town Officers there to stand till the Anniversary Meeting of said Town in March next. [*Passed January 4.*]

## CHAPTER 216.

## ORDER REFERRING THE PETITION OF JAMES GILMORE.

Legislative  
Records of the  
Council, xv.  
xvii. (1), 143.

House Jour-  
nal, pp. 107, 133.  
*Ante*, p. 437,  
chap. 183.

JONATHAN REMINGTON Esq<sup>r</sup> from the Committee on the Petition of James Gilmore, reported their Opinion that the said Petition should be refer'd to the next Sitting of this Court.

Read and Accepted; and the Petition is refer'd accordingly. [*Passed January 4.*]

## CHAPTER 217.

## ORDER CONFIRMING A PLAT OF 1,443 ACRES OF LAND TO JOHN CLEMENTS AND OTHERS.

Legislative  
Records of the  
Council, xv.,  
461. Maps and  
Plans, Mis.,  
xxxv., 10.

Maps and  
Plans, Mis.,  
xxxv., 10.  
Legislative  
Records of the  
Council,  
xvii. (1), 143.  
House Jour.

A PETITION of John Clements, Tho<sup>s</sup> Marsh, William Clements, John Ekenwood & Judah Marsh, Shewing that they have without leave settled themselves & Families on about fourteen hundred & forty three Acres of Province Land, bounded Southerly by the Elbows (so called) & Brookfeild, East by Ware River, North by Lambs Town, West by Equivalent Lands & Lands of John Read Esq<sup>r</sup> as the same is set forth in a plat herewith exhibited, Praying for a Grant of the said Land on such Conditions as this Court shall think meet.

Read and

<sup>1</sup> This town became Waltham.



*Ordered* that the petition [*ante*, p. 85, chap. 177] be revived & that the plat be accepted and the Lands therein delineated and described be & hereby are confirmed to the said Thomas March, William Clements John Clements Jonathan Rood, Judah March & samuel March their heirs & assigns respectively provided each of the Grantees do within the space of Five years from this date have Six Acres of the granted premisses brought to English grass, or broke up by plowing, and each of them have a good dwelling House thereon of Eighteen feet square and seven feet stud at the least & each a Family dwelling therein; that they Actually bring to the settlement of y<sup>e</sup> said lands by themselves or their Children as abovesaid, provided also the plat exceeds not the quantity of fourteen hundred & forty three Acres and does not interfere with any former Grant, & also that the Grantees do within twelve Months pay to the province treasurer Five pounds Each for y<sup>e</sup> use of this province. [*Passed January 4.*]

nal, p. 132.  
*Ante*, p. 85,  
chap. 177.

## CHAPTER 218.

ORDER IMPOWERING WILL. DYER TO BRING FORWARD A WRIT OF REVIEW.

ON THE PETITION of William Dyer Esq<sup>r</sup> [*ante*, p. 381, chap. 48]  
Read and

*Ordered* that this Petition be received<sup>1</sup> and that the Petitioner forthwith serve the within named Thomas Davis or his Attorney Robert Aukmuty Esq<sup>r</sup> with a Copy thereof, that so he may shew cause, if any he have, on Tuesday the third day of January next, why the Prayer thereof should not be granted.

Read, together with the answer of Robert Aukmuty Esq<sup>r</sup> Attorney to Thomas Davis; And the matter being fully considered:

*Ordered*; that the Prayer of the Petition be so far granted as that the Petitioner be empowered to bring his Writ of Review of the Action within mentioned at the Inferior Court of Common Pleas for the County of Suffolk to be held on the first Tuesday in April next, and to serve the said Writ upon the said Robert Aukmuty Esq<sup>r</sup> the said Davis's Attorney, which shall be deemed a good and sufficient service; And the Justices of the said Court are accordingly directed and empowered to try the said Action by a Jury and to give Judgement therein and award Execution thereupon; Provided the Petitioner pay the charges hitherto incur'd in the Law, as well in the Action first brought as in the Writ of Scire Facias mentioned in the Answer; And all Proceedings on the said Writ of Scire Facias are hereby staid in the mean time. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xvii. (1), 126,  
145.

House Jour-  
nal, pp. 123, 138.  
*Ante*, p. 381,  
chap. 48.

## CHAPTER 219.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THO. CHEVER AND OTHERS OF LYN TO BE MADE A PRECINCT, AND ORDERING THE CHARGE THEREOF TO BE BORNE BY THE PETITIONERS.

THE COMMITTEE appointed on the Petition of Thomas Chever and others, Praying to be set off a distinct Parish or Precinct from the first Parish in Lyn, having repaired to the said first parish and viewed

Legislative  
Records of the  
Council,  
xvii. (1), 145.

<sup>1</sup> The House Journal, p. 123, reads, "revived."



House Journal, pp. 138, 139.  
*Ante*, p. 420,  
 chap. 144.

the circumstances of the Petitioners, and heard all parties concerned, are humbly of opinion that, considering the fewness of their numbers and the smallness of their extent, it is not adviseable that they should be set off a distinct Parish. But inasmuch as they are at a considerable distance from the Meeting House in the first Parish, and are under difficulties in travelling to the place of publick Worship there, and the Petitioners having a convenient House for Divine Service in the midst of them; the Committee are of Opinion that the sum of Thirty five Pounds out of a rate of One Hundred and Eighty Pounds, and so pro rata, be allowed and paid out of the Treasury of the first parish to the Petitioners annually (during this Courts pleasure) to enable them to maintain Preaching among themselves in the more difficult seasons of the year. All which is humbly submitted

In the name and by Order of the Committee      THO: BERRY.

Read and

*Ordered* that this Report be accepted and that the charge of the Committee amounting to Six Pounds thirteen shillings and four pence be borne by the Petitioners accordingly. [*Passed January 5.*]

## CHAPTER 220.

ORDER ALLOWING £266. 13. 4 TO M<sup>R</sup> AGENT WILKS.

Legislative  
 Records of the  
 Council,  
 xvii. (1), 147.

House Journal,  
 pp. 130, 135.  
*Ante*, p. 406,  
 chap. 110.

*Ordered* that the sum of Two Hundred and sixty six Pounds thirteen shillings and four pence<sup>1</sup> of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to Francis Wilks Esq<sup>r</sup> or his Attorney, in full for his service the last year, in the Agency of this Province. [*Passed January 5.*]

## CHAPTER 221.

ORDER IMPOWERING THE TREASURER TO RECEIVE HALF AND QUARTER BILLS OF CREDIT FROM CONSTABLES AND COLLECTORS.

Legislative  
 Records of the  
 Council,  
 xvii. (1), 147.

House Journal,  
 pp. 130, 135.  
*Ante*, p. 406,  
 chap. 110.

WHEREAS many of the Constables and Collectors of the publick Rates and Taxes have received for Payment of such Rates some Halves and Quarters of Bills of the old Tenour, and the time limited by law for the Treasurers receiving them being elapsed; by reason whereof such Constables and Collectors are exposed to suffer the loss of such Bills unless relieved by this Court; therefore

*Voted* that the Treasurer be directed to receive of the several Constables and Collectors halves and quarters of of<sup>2</sup> any true Bills of the old Tenour that shall be by them brought in and paid for Publick Rates or Taxes, at or before the last day of March next. [*Passed January 5.*]

## CHAPTER 222.

ORDER ACCEPTING THE COMMITTEES REPORT ABOUT THE WORKS AT CASTLE WILLIAM AND ALLOWING £56. 3. 4 FOR REPAIRS.

Legislative  
 Records of the  
 Council,  
 xvii. (1), 149.

THE COMMITTEE appointed to repair to Castle William &c (having obtained His Excellencys leave) went thither, viewed the works and

<sup>1</sup> The House Journal, p. 132, reads, £260. 13. 4.

<sup>2</sup> *Sic.*

repairs ordered by An Act made in the seventh year of His present Majestys Reign, And do report that the Works have been effected, saving that there is no Platform in the new Battery at the East end of the Island, and that the Repairs have been generally well made, saving that (as has been heretofore reported by a former Committee) the mortar used by the Mason was very defective, and is not yet become firm. The Committee do further Report that they have considered the care and service of the Hon<sup>ble</sup> Spencer Phipps Lieutenant Governor, John Quincy and Benjamin Bird Esq<sup>rs</sup> (the Committee appointed to take care that the Works and Repairs be effected) and are humbly of opinion that the sum of Fifty six Pounds three shillings and four pence Bills of the new Tenour be allowed and paid out of the Publick Treasury to said Committee to be divided to them in proportion to the time they attended in full for their service.

Executive  
Records of the  
Council, x.,  
263. House  
Journal,  
pp. 113, 133, 134.  
Province  
Laws, ii., 698,  
chap. 11. *Ante*,  
p. 439, chap.  
188.

In the Name and by Order of the Committee JOHN STODDARD.

Read and

*Ordered*, that the Report be accepted and that the sum of Fifty six Pounds three shillings and four pence of the new Tenour Bills be granted and allowed to be paid out of the Public Treasury to the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> to be by him repaid to the Committee for effecting the Repairs and raising the new Battery at His Majestys Castle William, in proportion to the time they have attended that service. [*Passed January 6.*]

## CHAPTER 223.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR OF THE LATE TREASURER.

THE COMMITTEE appointed on the Affair referring to the Accompts of the late Treasurer Allen have met, and maturely considered the same and do Report as follows, viz<sup>t</sup> That a Ballance remains due to the Province from the said Jeremiah Allen, which he hath refused to pay to a Committee appointed by this Court to receive the same. This Committee are therefore humbly of Opinion that if the said Allen shall not have discharged and paid in the aforesaid Ballance on or before the first day of March next, M<sup>r</sup> Treasurer Foye be directed and impowered in behalf of this Province to commence suit against the said Jeremiah Allen Esq<sup>r</sup> and prosecute and defend the same to effect, in order to recover the same. All which is submitted

Legislative  
Records of the  
Council,  
xvii. (1), 150.  
House Jour-  
nal, pp. 139, 141.  
*Ante*, p. 449,  
chap. 213.

By Order of the Committee

THO: HUTCHINSON.

Read and

*Ordered* that this Report be accepted and that M<sup>r</sup> Treasurer Foye be and hereby is impowered to receive of Jeremiah Allen the Ballance of his Accompt within refer'd to, and to give him a receipt for the same. [*Passed January 6.*]

## CHAPTER 224.

### ORDER FOR FURNISHING Y<sup>e</sup> TREASURY WITH TROY WEIGHTS AND A BEAM AND SCALES FOR A PUBLICK STANDARD.

*Ordered* that M<sup>r</sup> Treasurer Foye be directed to furnish the Publick Treasury with a nest of Troy Weights from One Hundred twenty eight Ounces downwards to the least denomination marked with the Mark or

Legislative  
Records of the  
Council,  
xvii. (1), 150.

House Journal, p. 140.

Stamp used in His Majesty's Exchequer and also a good Beam and Scales for a Publick Standard for weighing both Silver and Gold. [*Passed January 6.*]

## CHAPTER 225.

ORDER FOR PRINTING THE BILL FOR A £60,000 LOAN, REDEEMABLE IN SPECIE, AND APPOINTING A COMMITTEE TO RECEIVE SUBSCRIPTIONS THERETO.

Legislative  
Records of the  
Council,  
xvii. (1), 151.

Mass.  
Archives, ci.,  
566. House  
Journal, pp.  
140, 1-3.

In the House of Represent<sup>ves</sup>;

*Ordered* that the Bill for the Emission of Sixty Thousand Pounds in Bills of Credit of a new Form and Tenour to be redeemed by Silver and Gold be printed as soon as may be, one for each Member of the Court, and one for each Town in the Province; and that M<sup>r</sup> Thomas Cushing, M<sup>r</sup> Hutchinson, M<sup>r</sup> Wheelwright and Ezekiel Chever Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> Board, be a Committee to receive in the Recess of the Court, the names of such persons as are willing to subscribe for and how much they would take of the said Bills according to their proposed Tenour; the Committee to report their doings to this Court at their next Sitting.

In Conneil; Read and Concur'd, and Thomas Hutchinson Jacob Wendell and Richard Bill Esq<sup>rs</sup> are joined in the affair. [*Passed January 6.*<sup>1</sup>]

## CHAPTER 226.

ORDER IMPOWERING THE INHABITANTS OF COLD SPRING TO LEVY AND COLLECT A TAX OF 2 PENCE PER ACRE.

Legislative  
Records of the  
Council,  
xvii. (1), 151.

House Jour-  
nal, pp. 143, 144.

A PETITION of Cpt. Caleb Lyman in behalf of the Inhabitants of the Tract of Land commonly called Cold Spring Plantation praying that they may be enabled to assess and levy a Tax of Three Pence per Acre per Annum on all the Lands there, for the building a Meeting House and settling and supporting an Orthodox Minister; the said Tax to be continued Two years; which is agreeable to the most of the Proprietors, as appears by their Certificate herewith exhibited.

Read and

*Ordered* that the Prayer of the Petition be granted, and that all the Lands in the said Tract called Cold Spring Township be subjected to a Tax of Two Pence per Acre (Bills of the new Tenour) And that John Smith a principal Inhabitant be allowed and impowered to assemble and convene the Inhabitants there in some suitable place, to chuse Assessors to tax each Proprietor two pence per Acre for all Lands he is owner of within said Tract, which Assessors shall be sworn before a Justice of the Peace for the faithful discharge of their Trust; and to chuse a Committee to take care of building a Meeting House, which House shall be set in such place as shall be agreed on by the major Vote of the Proprietors in a Meeting to be appointed for that purpose; the Vote of each Proprietor to be reckoned according to his respective interest; and to chuse a Collector or Collectors who are hereby impowered and required to collect and receive of such Proprietor the one half of his respective Tax or Assessment within six months from this time, and the other half within eighteen months from said time; And the same shall (after the receipt thereof) forthwith deliver to said Committee to be by them ap-

<sup>1</sup> The bill itself failed to pass. — Legislative Records of the Council, xvii. (1), 125.

plied partly to defray the charge of building a Meeting House, partly for settling an Orthodox Minister there, and for his support; Said Committee to accempt to the Inhabitants for the money they shall receive. [*Passed January 6.*]

## CHAPTER 227.

ORDER WITH NOTICE REFERRING THE PETITION OF URIAH THAYER TO ENTER AN ACTION, WITH STAY OF EXECUTION.

A PETITION of Uriah Thayer of Mendon in the County of Worcester; Shewing that he was bound as Surety with Joseph Corbet to Obadiah Wheelock both of Mendon aforesaid for the payment of £300, that the day before the Bond was due the said Wheelock took out of the Clerks office of the Inferior Court for the County of Middlesex (in which County neither of the parties lived) his Writ for suing the said bond, and attached a horse of the Petitioners, and obtained Judgement by default, and took out an Execution thereon; of all which proceedings the Petitioner was entirely ignorant till the Officer shewed him the Execution; And therefore Praying that the Execution may be staid and the Petitioner may be enabled to enter the Action anew at the next Inferior Court for Middlesex, that so he may be admitted to make his just exceptions to the said Writ and Service.

Read and

*Ordered* that the Petitioner serve Obadiah Wheelock with a copy of this Petition, that he shew cause, if any he have, on the first Fryday of the next May Session, why the Prayer of this Petition should not be granted: and Execution within mentioned is hereby staid in the mean time. [*Passed January 6.*]

Legislative  
Records of the  
Council,  
xvii. (1), 154.  
House Jour-  
nal, p. 142.

## CHAPTER 228.

ORDER GRANTING THREE YEARS TO CAPT. ANDREWS OFFICERS AND SOLDIERS, TO COMPLY WITH THE CONDITIONS OF THEIR GRANT.

*Ordered* that three years time be allowed to the Grantees of the Canada Townships granted to the Officers and Soldiers of the Company under the command of the late Cpt. Andrews dec<sup>d</sup> to be accounted from the confirmation of the Plat of said Township for their complying with the conditions of their Grant. [*Passed January 7.*]

Legislative  
Records of the  
Council,  
xvii. (1), 156.  
House Jour-  
nal, p. 117  
(1736); p. 134.  
*Ante*, p. 350,  
chap. 206.

## CHAPTER 229.

ORDER GRANTING TO JAC. WENDELL ESQ<sup>r</sup> FURTHER TIME TO SURVEY AND LAY OUT LAND.

A PETITION of Jacob Wendell of Boston Esq<sup>r</sup> Shewing that he has undertook to settle and perform the conditions of the Grant of one of the Townships granted by this Court to the Town of Boston and has purchased the right of the said Town; but by reason of the shortness of the time has not been able to get the said Township surveyed and laid out; and Praying for further time for that work. Read, and in answer to this Petition

Legislative  
Records of the  
Council,  
xvii. (1), 157.  
House Jour-  
nal, p. 141.  
*Ante*, p. 156,  
chap. 69.

*Ordered*, that twelve months be and hereby is allowed the Petitioner for surveying and returning a Plat of the Township within mentioned to be done by a Surveyor and Chain men on Oath. [*Passed January 7.*]

## CHAPTER 230.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF NATH. EAMES &<sup>c</sup> OF MARSHFIELD, TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (1), 158.

Legislative  
Records of the  
Council,  
xvii. (1), 2.  
House Jour-  
nal, p. 136.  
*Ante*, p. 367,  
chap. 18.

*Ordered* that the Petition [*ante*, p. 367, chap. 18] of Nathaniel Eames, Samuel Tindal Jun<sup>r</sup> and others of the Northerly part of Marshfield and Southerly Part of Scituate be refer'd to the next Sitting of the Court, and that the Committee appointed the tenth of June last thereon, be directed in the mean time to repair to the Lands petitioned for to be erected into a Precinct, that they carefully take a full view of the same with the situation & circumstances of all the Inhabitants within the proposed Lines, whether whether<sup>1</sup> the Petitioners or Antipetitioners, and that they report the situation of the whole affair, with their Opinion of what may be proper for the Court to do in answer to the Petition; the former Order for taking a Plat &<sup>ca</sup> notwithstanding. [*Passed January 7.*]

## CHAPTER 231.

ORDER IMPOWERING CALEB HOWARD TO PROSECUTE AN APPEAL FROM A JUDGMENT.

Legislative  
Records of the  
Council,  
xvii. (1), 119,  
158.

House Jour-  
nal, pp. 115, 142.

A PETITION of Caleb Howard of Stoughton, Praying for liberty to appeal from the Sentence given against him by \_\_\_\_\_ Royal Esq<sup>r</sup> one of His Majestys Justices of the Peace for the County of Suffolk upon a complaint of one Edward Everitt, That the Petitioner had stolen his sack (of which he was entirely innocent, having taken it up on the Road and left it at the next tavern for the right Owner) The Petitioner being ignorant of his right to appeal when the sentence was given against him.

Read together with the Answer of Edward Everitt and the same being fully considered:

*Ordered* that the Prayer of the Petition be granted, and that the Petitioner be allowed and empowered to prosecute the Appeal from the Judgement within mentioned, at the next Court of General Sessions of the Peace for the County of Suffolk to be held at Boston the first Tuesday of April next; Provided the Petitioner file his reasons of Appeal in the Clerks Office fourteen days before the Sitting of the said Court; and the Justices of the said Court are empowered and directed to hear and try the said cause, enter up Judgement, and award Execution accordingly. [*Passed January 7.*]

<sup>1</sup> *Sic.*



## CHAPTER 232.

## ORDER DECLARING THE PROCEEDINGS OF A TOWN MEETING IN HAVERHILL WEST PRECINCT NULL AND VOID AND CALLING A NEW MEETING.

A PETITION of Thomas Haynes and others in behalf of many Inhabitants of the Westerly Precinct in Haverhill Shewing that the said Precinct in conformity to the Order of this Court assembled on the third of this Instant, when one Edward Carleton who was said to be chosen Moderator acted as such, who admitted many unqualified persons to Vote, so that all things were managed with great irregularity and confusion; Therefore Praying that the proceedings of the said Meeting may be declared null and void, and that they may be allowed to have an other Meeting under the conduct of some discreet person to be appointed by this Court.

Legislative  
Records of the  
Council,  
xvii. (1), 159.

House Jour-  
nal, pp. 142, 143.  
*Ante*, p. 424,  
chap. 154.

Read and

*Ordered*, that the Prayer of the Petition be granted, and all and singular the Votes Orders and Proceedings of the Inhabitants of the Westerly Precinct in Haverhill made and pass'd at their Meeting held there the third day of this instant January be and hereby are superseded and declared to be null and void to all intents and purposes whatsoever, as thô no such Meeting had ever been held: And it is hereby further

*Ordered* by this Court and the Authority thereof that the Committee or Trustees for calling Parish Meetings in the said Parish in the year 1736 be and hereby are fully impowered and directed, as soon as may be, to issue out their Warrant directed to the Clerk of the said Precinct for the year 1736 requiring him to notify and warn the qualified Voters there to assemble speedily at such time and in such publick Place in said Precinct as shall be expressed in said Warrant; And the said Voters so assembled under the direction of Samuel Danforth of Cambridge Esq<sup>r</sup> (who is hereby appointed & fully authorized to be the Moderator of the said Meeting; and to whom the Parish is strictly required seasonably to return the Warrant for calling the Meeting with his doings thereon) are hereby impowered to make choice of Parish Officers in the said Parish to stand for the year Currant; Which choices shall be deemed good and valid as thô they had been legally made in the month of March; And in case any Dispute shall arise touching the Qualification of any person offering his Vote in said Meeting, the same shall be determined by the Moderator according to law, by the List and Valuation of Estates and Faculties of the Person or Persons so offering to vote, last made by the Assessors under Oath for said Province; <sup>1</sup> which List and Valuation shall be produced for that purpose and delivered to the Moderator if Occasion shall require it. [*Passed January 9.*]

## CHAPTER 233.

## ORDER GRANTING TWELVE MONTHS MORE TIME FOR RETURNING THE PLATS OF TWO NEW TOWNS GRANTED TO THE COMPANIES OF CPT NELSON, CPT MARCH &amp; CPT. GREENLEAF.

*Ordered* that Twelve months time more for returning Plats be allowed to the Grantees of the two Canada Townships granted by this Court and as Entered the ninth of December 1736 to the Companies under the com-

Legislative  
Records of the  
Council,  
xvii. (1), 162.

<sup>1</sup> The House Journal, p. 143, reads, "Precinct."

House Journal, p. 147.  
*Ante*, p. 348,  
 chap. 265.

mand of the late Cpt. Nelson, Cpt March, and Cpt. Greenleaf and their lawful representatives, &c and that the Committees for taking the Plats be and hereby are directed and required to take Surveys of the same by a Survey<sup>r</sup> or Survey<sup>rs</sup> with Chain men on oath, & return the same to this Court respectively within twelve months for confirmation accordingly. [*Passed January 10.*]

## CHAPTER 234.

Legislative  
 Records of the  
 Council,  
 xvii. 1, 162.

ORDER ADDING TO THE COMMITTEE FOR BURNING TORN AND DE-  
 FACED BILLS OF CREDIT.

Legislative  
 Records of the  
 Council,  
 xvii. 1, 139.  
 House Journal,  
 pp. 134, 149.

*Ordered*, that William Dudley and Samuel Welles Esq<sup>rs</sup> be added to the Committee appointed the fifth Curr<sup>t</sup> to receive in the Recess of the Court, of M<sup>r</sup> Treasurer Foye, all such Bills of Credit on this Province in his hands as are torn and defaced and rendered unfit for publick Service and cause them to be consumed to Ashes &c. [*Passed January 10.*]

## CHAPTER 235.

ORDER ALLOWING £23 TO ROBT BALL.

Legislative  
 Records of the  
 Council,  
 xvii. 1, 163. —  
 House Journal,  
 pp. 146, 148.  
*Ante*, p. 347,  
 chap. 138.

A PETITION of Robert Ball, Keeper of the Light House Shewing that since the Committee of this Court have finished their work there, the Petitioner has been obliged to have the Kitchen chimney pull'd down and rebuilt to prevent its smoaking; praying the order of this Court for his charging the expence thereof to the Province.

Read and in answer to this Petition:

*Ordered*, that the sum of Twenty Three pounds of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to the Petitioner Robert Ball in full satisfaction for time trouble and expence in effecting the repairs of the Dwelling House at Brewster Island where the Light House stands at the Entrance of the Harbour of Boston as within mentioned. [*Passed January 10.*]

## CHAPTER 236.

ORDER IMPOWERING JAS. FULLER TO SELL LAND TO SETTLE AN  
 ESTATE.

Legislative  
 Records of the  
 Council,  
 xvii. 1, 163.

House Journal,  
 pp. 146, 149.  
 Province  
 Laws, ii., 151,  
 chap. 10.

A PETITION of Sarah Fuller of Newton in the County of Middlesex Widow of John Fuller dec<sup>d</sup> with others, Children and Heirs of the deceased; Praying that the Judge of Probate for the said County may be impowered to settle the whole of the real estate of the said John Fuller (which is but small) on James Fuller one of his sons, and that he may be impowered to make sale thereof, and thereby to pay the just debts thereon and the remainder to be divided to and among the Widow and Heirs.

Read and

*Ordered*, that the Prayer of the Petition be granted and the Judge of the Probate of Wills &c for the County of Middlesex is allowed and impowered to settle the real Estate accordingly on the Petitioner James;

who is impowered and directed to make sale thereof for the uses and purposes within mentioned, and that the Proceeds be truly applied and paid according to the Prayer of the Petition, and that sufficient caution herein be given to the said Judge of Probate &c for the said County, and the said James to observe the directions of the Province Law made in the Sixth year of His Majesty King George the First Chap. 3<sup>d</sup> respecting the sale of Lands by Execut<sup>rs</sup> or Administ<sup>rs</sup>. [*Passed January 10.*]

## CHAPTER 237.

### ORDER APPOINTING A COMMITTEE ON THE REPORT ABOUT SHEFFIELD AND THE SUFFIELD EQUIVALENT TOWNSHIPS AND DIVERS OTHER LAND GRANTS.

PURSUANT to the Order of this Court of the Third of December last,<sup>1</sup> we have taken a survey of the Town of Sheffield and of a new Township granted as an Equivalent to the Proprietors of the Town of Suffield both in the County of Hampshire, so as to find the Contents thereof, which will fully appear by the Plans herewith exhibited: We have also reformed the Survey of Six Hundred Acres of land granted to the Heirs of Cpt. John Myles, and of Two Hundred Acres granted to Richard Cutt Esq<sup>r</sup> Plans whereof are also herewith exhibited. These Surveys were performed with the assistance of Cpt. William Chandler, Surveyour, and Mess<sup>rs</sup> Thomas Wilder and Ebenezer Flagg Chain men, all under Oath; Which is submitted by

JOS: WILDER  
JOHN CHANDLER JUN<sup>r</sup>

In the House of Representatives; Read and

*Ordered* that John Hobson<sup>2</sup> Chandler and William Ward Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> Board be a Committee to consider of this Report so far as it relates to the Survey of Suffield Equivalent Township, the Grant of Three Hundred Acres to Christopher Jacob Laughton, and also the Petitions of Mess<sup>rs</sup> Francis Welles and John Foye and that of David Ingersol; and report what in their opinion may be proper on the whole for the Court to do thereon.

In Council; Read and Concur'd, and John Stoddard and Joseph Wilder Esq<sup>rs</sup> are joined in the affair. [*Passed January 11.*]

## CHAPTER 238.

### ORDER CONFIRMING A PLAT OF 700 ACRES OF LAND TO THE HEIRS OF M<sup>r</sup> JOHN WILLIAMS.

A PLAT of Seven Hundred Acres of Land laid out by Oliver Patridge Survey<sup>r</sup> and Chain men on oath, to fulfill a Grant made by this Court to the Heirs of M<sup>r</sup> John Williams dec<sup>d</sup> lying West of the Township of Northampton viz<sup>t</sup> the South East Corner of said 700 Acres begins about half a mile Westward of the North End of a great Hill known by the name of Break Neck Hill and the said Corner is near the West Bank of the West Branch of Manhan River.

Read &

*Ordered* that this Platt be accepted and the Lands therein delineated

Legislative  
Records of the  
Council,  
xvii. (1), 166.

House Jour-  
nal, pp. 121, 126,  
127. *Ante*,  
p. 60, chap. 120;  
p. 77, chap. 155;  
p. 102, chap.  
221; p. 296,  
chap. 80.

Legislative  
Records of the  
Council,  
xvii. (1), 167.  
Maps and  
Plans, Mis.,  
xi, 18.

Maps and  
Plans, Mis.,  
xi, 18 *quater*.  
House Jour-  
nal, p. 39.  
*Ante*, p. 363,  
chap. 6.

<sup>1</sup> 1737, — a mistake, it seems, for 1736. See *ante*, p. 296, chap. 80.

<sup>2</sup> The House Journal, p. 126, reads, "John."

and described be and hereby are accordingly confirmed to the Children and Heirs of the late Rev<sup>d</sup> M<sup>r</sup> John Williams of Deerfield deceased their heirs and Assigns respectively for Ever provided the plat exceeds not the quantity of the Grant with the Allowance Within mentioned, and does not interfere with any former Grant. [*Passed January 11.*]

## CHAPTER 239.

### ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND TO Y<sup>E</sup> TOWN OF PEMBROKE FOR A GRAMMAR SCHOOL.

Legislative  
Records of the  
Council,  
xvii. (1), 168.

House Jour-  
nal, p. 91.  
*Ante*, p. 369,  
chap. 22.

A PLAT of Five Hundred Acres of land laid out by Nathaniel Kellogg Survey<sup>r</sup> and Chain men on oath, to fulfill a grant made by this Court to the Town of Pembroke for the use of the School there; being bounded North on Northfield South Bounds, East and South on Province land, and West on Connecticut River.

Read and

*Ordered* that the Plat be accepted and that the Lands therein delineated and described be and hereby are confirmed to the Town of Pembroke, to and for the use benefit and behoof and support of a Grammar School in said Town; Provided the Plat exceeds not the Quantity of Five Hundred Acres of Land, and does not interfere with any former grant. [*Passed January 11.*]

## CHAPTER 240.

### ORDER CONFIRMING A REFORMED PLAT OF 200 ACRES OF LAND GRANTED TO RIC. CUTT ESQ<sup>re</sup>.

Legislative  
Records of the  
Council,  
xvii. (1), 169.  
Maps and  
Plans, Mis.,  
xi., 16.

Maps and  
Plans, xi., 16.  
House Jour-  
nal, p. 127.  
*Ante*, p. 184,  
chap. 137;  
p. 459, chap.  
237.

A PLAT of Two Hundred Acres of Land formerly granted to Richard Cutt Esq<sup>r</sup> now anew laid out by William Chandler Surveyour and Chain men on Oath, lying partly adjoining to the Twelve Mile Pond on the road from Westfield to Sheffield; beginning at a Stake and Heap of Stones on the Southeast side of said Pond, about eight or nine rods from it; thence running South 40 Deg. West one hundred and sixty rods to a heap of Stones a few feet North of a great Rock: thence West 40 Deg. North two hundred rods to a large Beach Tree: thence North 40 Deg. East one hundred and sixty rods to a Stake and heap of Stones on the North Fall of a Hill; and from thence crossing part of the said Twelve Mile Pond to the Corner first mentioned.

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described and now reformed be & are accordingly confirmed to the said Richard Cutt Esq<sup>r</sup> his Heirs and Assigns in full satisfaction of the Grant within mentioned, provided the plat exceeds not the quantity of two Hundred Acres of Land with the Allowance of One rod in thirty for swag of Chain, and interferes with no former Grant, and the Confirmation of the former plat of said Grant is hereby superseded and declared Null and void to all Intents & purposes as though it had never been made. [*Passed January 11.*]



## CHAPTER 241.

ORDER CONFIRMING A PLAT OF 18,079 ACRES TO THE PROPRIETORS  
OF THE NARRAGANSETT TOWN N<sup>o</sup> 4 &<sup>c</sup>.

A PLAT of Eighteen Thousand and Seventy Nine Acres of Land laid out by Nathaniel Kellog Surveyor and chain men on Oath; being the whole tract of Province land, bounded Eastwardly on Lambs Town, Southwardly on Reads Land, Westwardly partly on Equivalent Land and partly on Salem new Town, Northwardly partly on Salem Town and partly on Whites Town; In which Tract two thousand three hundred Acres is laid out to divers particular persons whose names are inserted and their grants severally platted in this Plat; the Remainder is laid out to the Proprietors of the Narragansett Number Four and others, agreeable to a grant of y<sup>e</sup> Court in December last.

Read &

*Ordered* that the Plat be Accepted & the Lands therein delineated & described exclusive of the Twenty three hundred Acres within mentioned & described be & hereby are Confirmed to the proprietors of the Narragansett Township Number four and others mentioned in the said Grant their Heirs & Assigns respectively forever they effectually complying with the Conditions of the Grant to all intents & purposes, provided the plat inclusive of the said Twenty three hundred Acres exceeds not the quantity of Eighteen thousand & seventy nine Acres, and does not interfere with any other or former Grant. [*Passed January 11.*]

Legislative  
Records of the  
Council,  
xvii. (1), 163.  
Mass.  
Archives, cxv.,  
810.

House Jour-  
nal, p. 106.  
*Ante*, p. 350,  
chap. 206.

## CHAPTER 242.

ORDER WITH NOTICE REFERRING THE PETITION OF SAM<sup>L</sup> CLEVERLY  
TO REVIEW AN ACTION, WITH STAY OF EXECUTION.

A PETITION of Samuel Cleverly of Brantrey, Shewing that he with Thomas and Benjamin Cleverly became bound with Nathan<sup>l</sup> Bracket for the payment of Two Hundred Pounds and in the year 1735. they paid One Hundred and Fifty Pounds with all the interest; that in April last the said Bracket put the Bond in suit at the Inferior Court of Common Pleas for the County of Suffolk, and Judgement went against them by Default and was made up for the whole sum without the knowledge of the Obligors; that they appealed to the Superior Court but failed to prosecute their appeal, being then ignorant of the Error in Judgement, of which the said Bracket takes the utmost advantage; Therefore Praying that Execution may be staid till the Petitioner can have his Action review'd in the Superior Court.

Read and

*Ordered*, that the Petitioner serve the adverse Party the said Nath<sup>l</sup> Bracket with a Copy of the Petition, that he shew cause, if any he have, on the first Thursday of the next Sitting of the Court why the Prayer thereof should not be granted, and Execution within mentioned is staid in the mean time, and the Petition refer'd for further consideration accordingly. [*Passed January 12.*]

Legislative  
Records of the  
Council,  
xvii. (1), 170.  
House Jour-  
nal, p. 153.



## CHAPTER 243.

ORDER CONFIRMING A PLAT OF 1,200 ACRES OF LAND GRANTED TO THE HEIRS OF MESS<sup>RS</sup> TYNG, NELSON AND ALDEN.

Legislative  
Records of the  
Council,  
xvii. (1), 171.  
Maps and  
Plans, Mis.,  
xlii., 1.

Maps and  
Plans, Mis.,  
xlii., 1. House  
Journal, p. 120.  
*Ante*, p. 325,  
chap. 143.

A PLAT of Twelve Hundred Acres of Land laid out by James Chandler Survey<sup>r</sup> and Chain men on Oath, to fulfill a Grant made by this Court to the Heirs of Edward Tyng Esq<sup>r</sup> John Nelson Esq<sup>r</sup> and Cpt. John Alden; Beginning at a Hemlock Tree twenty three rods South of Salem Canada Township South West corner; thence running North by the needle Six Hundred rods (577 rods on the West Line of said Town) to a Beach Tree mark'd; then West Three hundred and twenty Rods to a Maple Tree marked; then South six hundred rods to a Beach Tree mark'd; then East Three hundred and twenty rods to the Hemlock Tree where it first began.

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described be and hereby are accordingly confirmed viz<sup>t</sup> Four hundred Acres thereof at the southerly End called Number One to the Heirs and legal Representatives of the said John Alden dec<sup>d</sup> and to their heirs and assigns respectively for Ever; Four hundred Acres thereof Adjoining to Number One called Number Two, to the heirs and legal Representatives of the said John Nelson Esq<sup>r</sup> dec<sup>d</sup> and to their heirs and Assigns respectively for Ever; and the other Four hundred Acres called Number Three to the legal Heirs and Representatives of said Edward Tyng deceased and to their heirs and Assigns respectively for Ever; provided the plat exceeds not the quantity of twelve hundred Acres of Land exclusive of Swagg of Chain and does not interfere with any former Grant. [*Passed January 12.*]

## CHAPTER 244.

ORDER APPOINTING A COMMITTEE FOR REPAIRING THE POWDER HOUSE IN BOSTON.

Legislative  
Records of the  
Council,  
xvii. (1), 172.

House Jour-  
nal, p. 153.

In the House of Represent<sup>ves</sup>

*Ordered* that M<sup>r</sup> Hutchinson and M<sup>r</sup> Wheelwright with such as shall be joined by the Hon<sup>ble</sup> Board [be a Committee]<sup>1</sup> and they are fully empowered to take care that the Powder House in the Common in Boston be effectually repaired.

In Council; Read and Concur'd; and John Jeffries and Jacob Wendell Esq<sup>rs</sup> are joined in the Affair. [*Passed January 12.*]

## CHAPTER 245.

ORDER CONFIRMING A PLAT OF 185 ACRES OF LAND TO JOHN QUINCY ESQ<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (1), 172.  
Maps and

A PLAT of One Hundred and Eighty Five Acres of Land laid out by Nathan<sup>l</sup> Kellog Survey<sup>r</sup> and Chain men on Oath, to compleat the grant of Five Hundred Acres made by this Court to John Quincy Esq<sup>r</sup>

<sup>1</sup> Inserted from the House Journal, p. 153.

bounding North on Northfield South bounds, East on a Township eastward of & adjoining to Northfield; South and West on Province Land.

Read and

*Ordered* That the plat be and hereby is accepted and the Lands therein delineated and described are accordingly Confirmed to the said John Quiney Esq<sup>r</sup> his Heirs and Assigns for Ever in full satisfaction of the Grant of Five hundred Acres of Land made him by this Court in January 1735, provided the plat exceeds not the quantity of One Hundred and Eighty five acres, and does not interfere with any former Grant. [*Passed January 12.*]

Plans, Mis.,  
xi., 12.

Maps and  
Plans, Mis.,  
xi., 12 *bis*.  
House Journal,  
p. 390.  
*Ante*, p. 208,  
chap. 188;  
p. 251, chap.  
286.

## CHAPTER 246.

ORDER CONFIRMING A PLAT OF 600 ACRES OF LAND TO BENONI MOOR AND OTHERS.

A PLAT of Six Hundred Acres of Land surveyed by Nath<sup>l</sup> Kellogg Survey<sup>r</sup> and Chain men on Oath, to fulfill a grant made by this Court to Benoni Moor and others; Beginning at a Hemlock Tree marked with an Ax in the East Line of the Township East of and adjoining to Northfield; thence East two hundred rods to a Stake and Stones; thence South four hundred and eighty rods to a Stake and Stones; thence West two hundred rods and closed to the East Line of the Township before mentioned.

Read and

*Ordered* That the plat be accepted, and the Lands therein delineated and described be and hereby are Confirmed to the said Benony Moor and Joseph petty and Robert Cooper their heirs and Assigns respectively for Ever in full satisfaction of the Grant of this Court made them in Jan<sup>ry</sup> last, provided the plat exceeds not the quantity of six Hundred Acres of Land and does not interfere with any former Grant; the Grantees or their assigns performing the Conditions of the Grant. [*Passed January 12.*]

Legislative  
Records of the  
Council,  
xvii. (1), 173.  
Maps and  
Plans, Mis.,  
xi., 17.

Maps and  
Plans, Mis.,  
xi., 17. House  
Journal, p. 390.  
*Ante*, p. 324,  
chap. 142.

## CHAPTER 247.

ORDER ABOUT THE SMALL POX ON MARTHAS VINEYARD.

WHEREAS many of the Inhabitants on the Island of Marthas Vineyard are now visited with the Small Pox, the infection whereof, if due care be not taken, may be communicated to the Inhabitants of other Towns within this Province; Therefore

*Ordered* that no person whatsoever (during the continuance of the Small Pox at Martha's Vineyard) that hath been visited with the said distemper or that hath attended upon or been with or near unto any Person sick of the same, or may any wise be suspected to have received the Infection thereof, nor any goods or thing whatsoever that may give infection shall be transported over the Ferry, neither in the Ferry Boat nor in any other Boat or vessel or craft whatsoever from said Vineyard to the Main Land, without leave first had from the major part of the Select Men of the Town where the Ferry is kept on Marthas Vineyard side, as also of the next Justice of the Peace to be by them certified to the Person who keeps said Ferry, under their hands. And for the better discovery of such persons or goods as aforesaid, the Select Men aforesaid as also of the Town of Falmouth are hereby impowered & directed

Legislative  
Records of the  
Council,  
xvii. (1), 173.  
House Journal,  
pp. 153, 154.

to employ some suitable Person or Persons to guard the respective Ferry ways, and to take effectual care that no such person or goods as afore-said, be transported over said Ferry without such Certificate as afore-said, and to return back to said Island any such as may have already been transported; the charge arising hereupon to be paid out of the Publick Treasury. [*Passed January 13.*]

## CHAPTER 248.

### ORDER REFERRING THE REPORT OF THE COMMITTEE ON SUFFIELD EQUIVALENT TOWNSHIP.

Legislative  
Records of the  
Council,  
xvii., Mis., 16.  
Mass.  
Archives,  
cxiv., 192.

Mass.  
Archives,  
cxiv., 185–192.  
Legislative  
Records of the  
Council,  
xvii. (1), 174.  
House Jour-  
nal, p. 155.  
*Ante*, p. 459,  
chap. 237.

THE COMMITTEE appointed to consider the Report of a Committee of this Honourable Court so far as it relates to the survey of Suffield equivalent Township; the Grant to M<sup>r</sup> Christopher Jacob Laughton; and also the Petitions of Francis Wells Esq<sup>r</sup> & M<sup>r</sup> John Foye &c upon mature consideration thereon report viz<sup>t</sup>

That the Plat of the said Township as set forth by Cap<sup>t</sup> William Chandler Surveyor &c, with all the lands therein delineated and described (exclusive of three hundred Acres granted to said Laughton) be accepted; and that the full contents of six miles square thereof & no more be confirmed to the original Grantees the proprietors of Suffield their heirs and assigns respectively in full satisfaction of that Grant, they performing the conditions thereof And upon inquiry into the petition of the said Wells and Foye, it appears to the Committee, that the said Petitioners were not knowing at the time of their purchase of any wrong or overplus measure in the former survey of the said Township; and that the facts therein alledged are true and the taking away the overplus Land will intirely destroy the settlement of their several Divisions of Land, for a great deal of which they have passed Deeds with Warranty.

The Committee are therefore of opinion that the surplusage of the lands set forth in the plat more than the contents of the said six miles square, & the three hundred Acres granted to s<sup>d</sup> Laughton, be granted & confirmed to the said Francis Wells and John Foye their heirs & assigns respectively for ever, on condition they settle eighteen Families more on the lands set forth in said Plat in as full & ample manner and in all respects, and within the time limited for settling sixty families in the original grant to Suffield proprietors; and also that the said Wells and Foye do within two years pay into the publick Treasury the sum of fifty six pounds thirteen shillings & four pence of the New tenour Bills, or one hundred & seventy pounds of the Old tenour, into the publick Treasury to reimburse the charge of the Committee of the Court in Correcting this & other plats at or near Houssatonnoe.

All which is humbly submitted in the name & by order of the Committee.

January 13<sup>th</sup> 1737.

JOHN STODDARD

Read &

*Ordered* that the Consideration of this Report be referred to the next sitting of the Court. [*Passed January 13.*]

## CHAPTER 249.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO REV<sup>d</sup> M<sup>r</sup> JOHN CAMPBELL.

A PLAT of Three Hundred and Ten Acres of Land laid out by Isaac Learned Survey<sup>r</sup> and Chain men on Oath, to fulfill a grant made by this Court to the Rev<sup>d</sup> M<sup>r</sup> John Campbell of Oxford, lying South of Oxford on the South East side of Roxbury School Farm, East from Dudley town on the East side of Chabunagungamug Pond, bounded East and South by a Line of mark'd Trees on the Province Land.

Read &

*Ordered* That the plat be Accepted, and the Lands therein delineated and described be & hereby are Confirmed to the said M<sup>r</sup> John Campbell his Heirs and Assigns for Ever to satisfie the Grant within mentioned; provided the plat exceeds not the quantity of three hundred and thirteen Acres inclusive of the said pond of thirteen Acres; and does not interfere with any former Grant. [*Passed January 14.*]

Legislative  
Records of the  
Council,  
xvii. (1), 177.  
Maps and  
Plans, Mis.,  
xxxii., 5.

Maps and  
Plans, Mis.,  
xxxii., 5.  
Legislative  
Records of the  
Council, xvi.,  
471. House  
Journal, p. 19  
(June, 1737).  
*Ante*, p. 322,  
chap. 133.

## CHAPTER 250.

ORDER IMPOWERING SAM<sup>l</sup> HAYWOOD AND OTHERS TO SURVEY AND LAY OUT A TOWNSHIP.

A PETITION of Samuel Haywood and about fifty others Shewing that they often petitioned this Court for a Tract of Land to settle themselves and their Children upon, and altho they have divers times received encouragement yet they have not hitherto obtained the favour of a Grant; Praying for a Tract of Land of six miles square to settle themselves and associates on.

Legislative  
Records of the  
Council,  
xvii. (1), 178.  
House Jour-  
nal, pp. 64, 65,  
66, 73, 157.

In the House of Represent<sup>ves</sup> Read and

*Ordered* that the Prayer of the Petition be granted and that the Petitioners and their Associates be and hereby are empowered by a Survey<sup>r</sup> and chain men on oath, to survey and lay out a Township of the contents of Six miles square in some of the unappropriated Lands of the Province suitable for a Township, and that they return a Plat thereof to this Court within twelve months for Confirmation; And for the more effectual bringing forward the Settlement of said new Town

*Ordered*; that there be sixty three Home Lots laid out in a suitable and defensible manner, one of which to be for the first settled Minister, one for the second settled Minister, and one for the School; and each of said three Lots to draw equal divisions with the other Grantees of the said Sixty Lots, that the Grantees do within three years from the Confirmation of the Plan have settled on each Home Lot a good family, and in order thereto that they build thereon a Dwelling House of Eighteen feet square and seven feet stud at the least, and finish the Acre and have well fenced and brought to English Grass or plowed Six Acres on each of the Home Lots, that they settle an orthodox minister and build a decent convenient Meeting House for the Publick Worship of God; and that Coll: Josiah Willard and Cpt. John Hobson with such as shall be appointed by the Hon<sup>ble</sup> Board be a Committee for admitting the Grantees or Settlers; And that they take effectual care that no persons are admitted of such who have had any grant for the space of three years; And that each Grantee give Bond to the Province Treasurer in the sum of Forty Pounds for his faithful fulfilling or complying

with the terms or Conditions of the Grant; And if any of the said Settlers fail of performing the said conditions, then his or their Right or Share to revert to or be at the disposition of the Province.

In Council; Read and Concur'd; and William Dudley Esq<sup>r</sup> is joined in the affair. [*Passed January 16.*]

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## CHAPTER 251.

### ORDER ON COLL. THO. WESTBROKES PET<sup>CON</sup> FOR CONTINUATION OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (1), 176,  
180. Mass.  
Archives, xli.,  
235.

Mass.  
Archives, xli.,  
232–237. House  
Journal,  
pp. 155, 156,  
157, 158.

A PETITION of Thomas Westbrook of Falmouth Esq<sup>r</sup> Shewing that on the 20<sup>th</sup> of September last M<sup>r</sup> Samuel Waldo of Boston merchant, brought his action of the case against him for the recovery of £7,538. 8. 4 to Ballance according to the Acc<sup>t</sup> to the Writt annexed, to be tried at the Inferior Court in Boston in October last, and the same day attached a real Estate of the Petitioners in the County of York and left a summons at his residence on the last day of Service; after which M<sup>r</sup> Waldo sent a letter to the Petitioner, on the credit of which he expected an Interview with him for accommodating matters, but coming to Boston, to his great surprize he found M<sup>r</sup> Waldos action enter'd, which was afterwards continued over to the Court now sitting: Whereupon the Petitioner took out his Writ against M<sup>r</sup> Waldo returnable to the same Court with his Accompt annexed, but the Court were pleased to abate his Writ; And therefore Praying that this Court would order that M<sup>r</sup> Waldo's Action may be continued over to the next Term that the Petitioner may have opportunity to file his cross Accompt or that he may be otherwise relieved in the premisses.

Read and in Answer to the petition

*Ordered* that it be recommended to the Justices of the Inferior Court of Common pleas now Sitting at Boston in and for the County of Suffolk to continue the action of M<sup>r</sup> samuel Waldo within mentioned against the petitioner now lying before them to the next term for holding said Court at Boston aforesaid on the first tuesday of April next. [*Passed January 16.*]



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE NINETEENTH DAY OF APRIL, A.D. 1738.

## CHAPTER 252.

ORDER WITH NOTICE REFERRING THE PETITION OF JOSEPH ELLIS TO  
BE SET OFF FROM WRENTHAM AND ANNEXED TO MEDWAY.

A PETITION of Joseph Ellis of Medway, Shewing that whereas by the Order of this Court upon a Report of their Committee he and his family and estate are taken off from the said Town of Medway and joined to a new Parish in the Town of Wrentham; the thing is greatly inconvenient and grievous to him; And therefore Praying that he may be returned back to Medway.

Legislative  
Records of the  
Council,  
xvii. (1), 184.

House Jour-  
nal, p. 160.  
*Ante*, p. 33,  
chap. 201.

Read and

*Ordered* that the Petitioner serve the new Precinct in Wrentham within mentioned with a Copy of the Petition, that they shew cause if any they have, on the First Tuesday of the next Session of this Court why the Prayer thereof sho<sup>d</sup> not be granted; and the Petition is referr'd in the mean time for consideration. [*Passed April 19.*]

## CHAPTER 253.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR BURNING  
TORN AND DEFACED BILLS OF CREDIT AND DISCHARGING THE  
TREASURER OF £90,385. 13. 2.

THE COMMITTEE of the Court appointed to take an Accompt of torn, worn out, and defaced Bills in the Treasurers hands and consume them to ashes, have attended that service in February last, and did in the space of four days burn the Bills according to the annexed List or Accompt, amounting to Sixty Two Thousand Two Hundred Twenty Four Pounds, ten Shillings and ten Pence, and gave a receipt therefore signed by thirteen of the Committee, a copy whereof is herewith presented; And the Committee did attend the same service the seventh of April currant, and then did consume to Ashes Twenty Eight Thousand One Hundred and Sixty One Pounds, two Shillings and Four Pence, and gave a Receipt therefore, signed by eleven of the Committee a Copy whereof is also herewith presented.

Legislative  
Records of the  
Council,  
xvii. (1), 185.

House Jour-  
nal, pp. 134, 162,  
163. *Ante*,  
p. 458, chap.  
234. *Infra*,  
chap. 254.

All which is humbly submitted by

W<sup>m</sup> DUDLEY by Order of the said Committee.

Read and

*Ordered* that this Report be accepted, and that William Foye Esq<sup>r</sup> Treasurer and Receiver General of the Revenues within this His Maj-

estys Province of the Massachusets Bay, is hereby accordingly discharged of the sum of Ninety Thousand Three Hundred Eighty Five Pounds, thirteen Shillings and two Pence, which has been received of him of the Bills of Credit of this Province by Order of this Court and burned and consumed to ashes. [*Passed April 20.*]

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## CHAPTER 254.

### ORDER ALLOWING COMPENSATION TO THE COMMITTEE FOR BURNING BILLS OF CREDIT.

Legislative  
Records of the  
Council, xvii.  
(1), 186.  
House Jour-  
nal, p. 163.  
*Supra*, chap.  
253.

*Ordered* that there be granted and allowed to be paid out of the Publick Treasury to each of the Members of the Committee of this Court lately appointed to receive of M<sup>r</sup> Treasurer Foye the torn and defaced Bills of Credit of this Province, after the rate of Five Shillings per diem of the new Tenour Bills for each day they were in that service with allowance of travel, and one shilling and eight pence more of the said Bills per diem to each of the said Committee who were obliged to travel, for discharging the expence of Horse keeping. [*Passed April 20.*]

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## CHAPTER 255.

### ORDER ALLOWING COMPENSATION TO THE SPEAKER.

Legislative  
Records of the  
Council, xvii.,  
Mis., 9, Mass.  
Archives,  
xlix., 12.

Legislative  
Records of the  
Council, xvii.  
(1), 186.  
House Jour-  
nal, pp. 124, 125,  
162.

*Ordered* That there be granted and allowed to be paid out of the publick treasury after the rate of One shilling & four pence of the New tenour bills to the honourable John Quincy Esq<sup>r</sup> speaker of the House for every day of his Attendance in the General Court from the Opening of the session in May last being the twenty fifth day of the said Month to the End of the said session and for every days attendance during the Sitting of the Court at salisbury One Shilling and Eight pence for every day of the Courts sitting Since their removal back to Boston or shall sit till the dissolution of this Assembly one Shilling & four pence p day of the said Bills upon Certificate from the Clerk of the House in Consideration of his Constant Application in dispatching the publick affairs of the province. [*Passed April 20.*]

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## CHAPTER 256.

### ORDER ALLOWING COMPENSATION TO FRA. FOXCROFT ESQ<sup>r</sup> FOR SERVICES.

Legislative  
Records of the  
Council, xvii.  
(1), 187.

Executive  
Records of the  
Council, x., 23.  
House Jour-  
nal, p. 163.

A MEMORIAL of Francis Foxcroft Esq<sup>r</sup> Shewing that that<sup>1</sup> by Order of the Govern<sup>r</sup> and Council he attended His Excellency at the late Interview of the Indians at Deerfield for which he has as yet had no consideration: Therefore Praying for an Allowance from this Court.

Read, and in answer to this Memorial

*Ordered*, that the same allowance be made the Memorialist for his time at the Interview within mentioned as the other Members of the Hon<sup>ble</sup> Board have received for their attendance on the same occasion. [*Passed April 20.*]

## CHAPTER 257.

ORDER WITH NOTICE REFERRING THE PETITION OF DIVERS INHAB<sup>S</sup>  
OF BOXFORD FIRST PARISH.

A PETITION of Timothy Styles and Ephraim Kemball and others inhabitants of the first parish in Boxford complaining of divers irregularities in the Proceedings in the Anniversary Meeting of the said Parish in March last under the management of David Wood Esq<sup>r</sup> as Moderator, which were much to the damage of the said Parish, with respect to the building of a new Meeting House; Praying for relief.

Legislative  
Records of the  
Council,  
xvii. (1), 187.

House Jour-  
nal, p. 162.  
*Ante*, p. 372,  
chap. 28.

Read and

*Ordered* that the Petitioners serve the within named David Wood Esq<sup>r</sup> said to be chosen Moderator of the Parish Meeting within mentioned, and Thomas Reddington, declared to be chosen Clerk of the said Parish for the year then ensuing, with copies of this Petition that they shew cause, if any they have, on the first Fryday of the next session of this Court why the Prayer thereof should not be granted; and further that the Petitioners serve Cpt. Stephen Peabody and Cpt. Jeremiah Peachy<sup>1</sup> and also the within named Samuel Pickard with copies of the Petition, that they may also make answer thereto at the same time; and the Petition is refer'd for consideration in the mean time accordingly. [*Passed April 20.*]

## CHAPTER 258.

VOTE IMPOWERING W<sup>M</sup> FOYE TO SUE JEREMIAH ALLEN THE LATE  
TREASURER OF THE PROVINCE.

WHEREAS this Court have received information that Jeremiah Allen Esq<sup>r</sup> late Treasurer and Receiver General of this Province hath hitherto neglected to pay into the hands of William Foye Esq<sup>r</sup> the present Province Treasurer and Receiver General, the Balance remaining due to the Province from him:

Legislative  
Records of the  
Council,  
xvii. (1), 189.

House Jour-  
nal, p. 165.  
*Ante*, p. 429,  
chap. 165.

*Voted* that in case the said Jeremiah Allen late Treasurer as aforesaid shall not have paid in and fully discharged the afore said Balance on or before the twentieth Day of May next ensuing, that the said William Foye Esq<sup>r</sup> Province Treasurer be and hereby is ordered impowered and directed in behalf of this Province to commence suit against the said Jeremiah Allen Esq<sup>r</sup> at the then next Inferior Court of Common Pleas to be held at Boston for the County of Suffolk, and without delay to prosecute and defend the same to effect, in order to recover the aforesaid Balance. [*Passed April 21.*]

## CHAPTER 259.

ORDER IMPOWERING THE TOWN OF UPTON TO LEVY AND COLLECT  
A TAX OF TWO PENCE PER ACRE ON LAND.

ON THE PETITION of John Harleton<sup>2</sup> and Jonathan Wood Select Men of Upton; [*ante*, p. 269, chap. 20]

Read together with another Petition of this date herewith accompanied from the said Town of Upton, and

Legislative  
Records of the  
Council,  
xvii. (1), 190.

House Jour-  
nal, p. 164.

<sup>1</sup> The House Journal, p. 162, reads, "*Perley*."

<sup>2</sup> The House Journal, p. 164, reads, "*Hasletine*."

*Ante*, p. 260,  
chap. 20.

*Voted* that the Petition be revived; And forasmuch as it appears by the Declaration of Cpt. John Harleton one of the Petitioners in behalf of the said Town that the Order of this Court on this Petition for notifying the non Resident Proprietors of Lands within the said Town has been duly observed, and no answer has been made by them to this Court;

*Ordered*, that the Prayer of the Petition be so far granted as that the lands lying within the said Town of Upton belonging to the Non Resident Proprietors and unimproved be and hereby are subjected to the Payment of a Tax of two pence per Acre per Annum for the space of three years next coming, The Money arising thereby to be applied for the defraying the charges of building and finishing the Meeting House, and the better to enable the Inhabitants of said Town to support the Ministry among them; And the Assessors of the said Town for the time being are impowered and directed to make an assessment of said Town on the Non Resident Proprietors of the said unimproved Lands; And the Constables or Collectors of the said Town for the time being are also hereby impowered and required to collect the said Tax and pay in the same to the Town Treasurer for the only uses aforesaid, agreeable to the warrants they shall receive on their Lists of Assessment of said Tax. [*Passed April 21.*]

## CHAPTER 260.

### ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND GRANTED TO THE TOWN OF UXBRIDGE.

Legislative  
Records of the  
Council, xvii. (1), 191.  
Maps and  
Plans, Mis.,  
xii., 11.

Maps and  
Plans, Mis.,  
xii., 11 *bis*.  
House Jour-  
nal, p. 164.  
*Ante*, p. 295,  
chap. 17.

A PLAT of Five Hundred Acres of Land laid out by James Chandler Survey<sup>r</sup> and Chain men upon Oath, to fulfill a grant made by this Court to the Town of Uxbridge Beginning at M<sup>r</sup> Williams's long Corner on the Narraganset Township Number Five; thence running One Hundred and ninety rods West, then on said Farm two hundred Rods North, to a Maple; then on said Farm West Seventy five rods to a Hemlock; then North on Province Land two hundred rods to a Black Oak; then on Province Lands East two hundred and eight rods to a Stake and Stones; then South 8' 2<sup>d</sup> 1 East four hundred and four rods to the Bounds first mentioned.

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated and described be & hereby are confirmed to the town of Uxbridge and their assigns in full satisfaction of the Grant within mentioned, provided the plat exceeds not the quantity of Five hundred Acres of Land and does not interfere with any former Grant. [*Passed April 21.*]

## CHAPTER 261.

### ORDER ALLOWING £30 TO THE AGENTS FOR THEIR CHARGES ON NEW HAMPSHIRE LINE.

Legislative  
Records of the  
Council, xvii. (1), 191.

*Ordered* that the sum of Thirty Pounds of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to the

Agents lately appointed to attend the Commissioners on the affair of the New Hampshire Boundaries; for the disposition whereof the said Agents are accountable. [*Passed April 21.*]

House Journal, p. 164.  
*Ante*, p. 398, chap. 88.

## CHAPTER 262.

### VOTE FOR INCREASING THE COMMITTEE FOR THE MARSHFIELD AFFAIR.

In the House of Representatives;

*Voted* that M<sup>r</sup> Rowland Cotton with such as shall be joined by the Hon<sup>ble</sup> Board be added to the Committee appointed to repair to Marshfield and that part of Scituate called the Two Miles, on the Petition of Nathaniel Eames, Samuel Tilden Jun<sup>r</sup> John King and others; Praying to be erected into a Precinct; any three of the Committee to be a Quorum, and to report their doings according to the former Order of this Court on the said Petition, to this Court on their next May Session.

Legislative Records of the Council, xvii. (1), 191.

House Journal, p. 166.  
*Ante*, p. 456, chap. 230.

In Council; Read and Concur'd; and Francis Foxcroft Esq<sup>r</sup> is joined in the affair. [*Passed April 21.*]

## CHAPTER 263.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO JOHN TUTHILL.

A PLAT of Two Hundred Acres of Land laid out by Isaac Learned Survey<sup>r</sup> and Chain men on Oath; to fulfill a Grant made by this Court to John Tuthill; Beginning at the South East Corner of the Mine Farm; thence running North 20 Deg. East Sixty rods; then South 40 Deg. East to a Pine Tree, one hundred and sixty rods; then South 20 Deg. West, thirty two rods; then East 22 Deg. South seventy rods; then North fifty two rods; then East 60 Deg. South ninety rods to New Sherburn North West Corner; then on New Sherburn South 5 Deg. West two hundred & sixty rods, to a Stake and Stones; then North 37 Deg. West, four hundred and twenty rods to a Heap of Stones at the South East Corner of the Mine farm aforesaid.

Legislative Records of the Council, xvii. (1), 192.

House Journal, pp. 163, 164.  
*Ante*, p. 335, chap. 168.

Read and

*Ordered* that this Plat be accepted and the Lands therein delineated and described be and hereby are confirmed to the said John Tuthill his Heirs and Assigns, he or they fulfilling the conditions of the Grant; Provided the Plat exceeds not the Quantity of Two Hundred Acres and interferes not with any former Grant. [*Passed April 21.*]

## CHAPTER 264.

### ORDER ALLOWING £50 TO THE TREASURER.

*Ordered* that the sum of Fifty Pounds of the New Tenour Bills be granted and allowed to be paid out of the Publick Treasury to M<sup>r</sup> Treasurer Foye in consideration of his extraordinary trouble in the Treasury and service since he has been in that office. [*Passed April 21.*]

Legislative Records of the Council, xvii. (1), 192.

House Journal, p. 166.



## CHAPTER 265.

ORDER ALLOWING THE ACCOUNT OF M<sup>R</sup> AGENT WILKS.

Legislative  
Records of the  
Council,  
xvii. (1), 193.

House Jour-  
nal, pp. 160, 161.  
*Ante*, p. 413,  
chap. 127.

*Ordered* that the accompts of M<sup>r</sup> Agent Wilks not before passed on, are hereby allowed and approved of in the several articles thereof, and M<sup>r</sup> Agent is accordingly discharged of his disbursements, amounting to the sum of Three Hundred and Seventy Two Pounds, thirteen Shillings & six Pence; The Ballance of said Accompts being One Thousand Nine Hundred and Ninety five Pounds Sixteen Shillings and eight pence Sterling, the said M<sup>r</sup> Agent Francis Wilks Esq<sup>r</sup> is further to be accountable for, when the Orders of this Court concerning the remittance of Two Thousand Pounds sterling, shall be compleated. [*Passed April 21.*]

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1738-39.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1738-39.

HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

SIMON FROST, Esq.,  
DEPUTY SECRETARY.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

WILLIAM DUMMER	}	ESQRS.
THOMAS HUTCHINSON		
JOHN TURNER		
EDWARD HUTCHINSON		
JOHN STODDARD		
WILLIAM DUDLEY		
JONATHAN REMINGTON		
JOHN OSBORNE		
EBENEZER BURRILL		

FRANCIS FOXCROFT	}	ESQRS.
JOSIAH WILLARD		
JACOB WENDELL		
ANTHONY STODDARD		
SAMUEL WELLES		
THOMAS BERRY		
JOSEPH WILDER		
BENJAMIN LYNDE		
RICHARD BILL		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

MELETIAH BOURNE	}	ESQRS.
SETH WILLIAMS		

JOHN CUSHING	}	ESQRS.
NATHANIEL HUBBARD		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayn;*

WILLIAM PEPPERIL, SAMUEL CAME & JEREMIAH MOULTON, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN JEFFRIES, ESQ.

<sup>1</sup> See Legislative Records of the Council, xvii. (1), 198-203.

*For the Province, at large:—*

EZEKIEL LEWIS & DANIEL RUSSEL, ESQRS.

# REPRESENTATIVES OR DEPUTIES.

*May 31, 1738 to April 26, 1739.*

MR. JOHN QUINCY, SPEAKER.

## COUNTY OF SUFFOLK.

*Boston*, . . . Mr. Thomas Cushing,  
                   Mr. Thomas Hutchinson,  
                   Samuel Sewall, Esq.,  
                   John Read, Esq.  
*Roxbury*, . . . Mr. John Sumner.  
*Dorchester*, . . . Capt. Thomas Wiswall.  
*Milton*, . . . Mr. Nehemiah Clap.  
*Braintree*, . . . John Quincy, Esq.  
*Weymouth*, . . . Capt. Adam Cushing.  
*Wrentham*, . . . Mr. Timothy Metcalf.  
*Hingham*, . . . Mr. Jacob Cushing.  
*Dedham*, . . . John Metcalf, Esq.  
*Needham*, . . . John Fisher, Esq.  
*Stoughton*, . . . Mr. William Royal.  
*Medway*, . . . Mr. Jeremiah Adams.  
*Bellingham*, . . . Mr. John Corbet.

## COUNTY OF ESSEX.

*Salem*, . . . Timothy Lindal, Esq.,  
                   Benjamin Brown, Esq.  
*Ipswich*, . . . John Wainwright, Esq.,  
                   Mr. Thomas Norton.  
*Newbury*, . . . Henry Rolfe, Esq.,  
                   Charles Pierce, Esq.  
*Lynn*, . . . . Capt. William Collins.  
*Marblehead*, . . . Capt. Gyles Russell,  
                   Mr. Richard Dana.  
*Rowley*, . . . John Hobson, Esq.  
*Gloicester*, . . . Capt. Andrew Robinson.  
*Salisbury*, . . . Capt. Jeremiah Stevens.  
*Haverhill*, . . . Richard Saltonstall, Esq.  
*Andover*, . . . Capt. Timothy Johnson.  
*Beverly*, . . . Robert Hale, Esq.  
*Topsfield*, . . . Capt. Joshua Gold.  
*Wenham*, . . . Mr. William Fairfield.  
*Borford*, . . . Mr. John Symonds.  
*Amesbury*, . . . Mr. Thomas Rowell.  
*Bradford*, . . . Mr. John Hutchins.

## COUNTY OF MIDDLESEX.

*Cambridge*, . . . Samuel Danforth, Esq.  
*Charlestown*, . . . Mr. Samuel Webb,  
                   Ezekiel Chever, Esq.

## COUNTY OF MIDDLESEX—*Concluded.*

*Watertown*, . . . Mr. Jonas Bond.  
*Concord*, . . . James Minot, Esq.  
*Newtown*, . . . Capt. Samuel Jackson.  
*Sudbury*, . . . Capt. Josiah Brown.  
*Marlboro'*, . . . Mr. Gershom Ward.  
*Groton*, . . . Benjamin Prescott, Esq.  
*Frammingham*, . . . Joseph Buckminster, Jr.,  
                   Esq.  
*Chelmsford*, . . . Capt. Samuel Chamberlain.  
*Sherburn*, . . . John D'Aeth, Esq.  
*Billerica*, . . . Benjamin Thomson, Esq.  
*Woburn*, . . . Mr. Rowland Cotton.  
*Reading*, . . . Mr. Ebenezer Parker.  
*Malden*, . . . Capt. Samuel Wait.  
*Lexington*, . . . Mr. Joseph Fasset.  
*Weston*, . . . Mr. Joseph Livermore.  
*Medford*, . . . Capt. John Hall.  
*Dunstable*, . . . Joseph Blanchard, Esq.  
*Littleton*, . . . Capt. Samuel Hunt.  
*Waltham*, . . . Mr. Thomas Biglow.

## COUNTY OF HAMPSHIRE.

*Springfield*, . . . William Pyncheon, Esq.  
*Northampton*, . . . Mr. Ebenezer Parsons.  
*Hatfield*, . . . Israel Williams, Esq.  
*Westfield*, . . . Thomas Ingersol, Esq.  
*Suffield*, . . . Mr. Samuel Kent, Jr.  
*Enfield*, . . . Mr. Ebenezer Terrey.  
*Deerfield*, . . . Thomas Welles, Esq.

## COUNTY OF WORCESTER.

*Worcester*, . . . John Chandler, Esq.  
*Lancaster*, . . . Mr. Jabez Fairbanks.  
*Mendon*, . . . Mr. Ebenezer Merriam.  
*Woodstock*, . . . Mr. William Lyon.  
*Brookfield*, . . . Joseph Dwight, Esq.  
*Southboro'*, . . . William Ward, Esq.  
*Sutton*, . . . Mr. Percival Hall.  
*Westboro'*, . . . Capt. James Eager.

## COUNTY OF PLYMOUTH.

*Plymouth*, . . . James Warren, Esq.  
*Duxbury*, . . . John Alden, Esq.



COUNTY OF PLYMOUTH — *Concluded.*

*Scituate*, . . . Mr. Nicholas Litchfield.  
*Marshfield*, . . . Mr. Thomas Foster.  
*Middleboro'*, . . . Mr. John Bennet.  
*Rochester*, . . . Mr. Thomas Dexter.  
*Plympton*, . . . Mr. William Churchill.  
*Pembroke*, . . . Mr. Daniel Lewis, Jr.  
*Hanover*, . . . Mr. Thomas Joslyn.

COUNTY OF BARNSTABLE.

*Barnstable*, . . . John Russell, Esq.  
*Sandwich*, . . . Stephen Skiffe, Esq.  
*Yarmouth*, . . . Samuel Sturges, Esq.  
*Eastham*, . . . William Payne, Esq.  
*Harwich*, . . . Mr. Chillingworth Foster.  
*Falmouth*, . . . Mr. Seth Parker.

COUNTY OF BRISTOL.

*Bristol*, . . . Stephen Payne, Esq.  
*Taunton*, . . . Samuel Williams, Esq.  
*Rehoboth*, . . . Mr. Joseph Bosworth.

COUNTY OF BRISTOL — *Concluded.*

*Swansey*, . . . Joseph Mason, Esq.  
*Little Compton*, Capt. William Hall.  
*Tiverton*, . . . Job Almy, Esq.  
*Dartmouth*, . . . Philip Tabor, Esq.  
*Norton*, . . . Ephraim Leonard, Esq.  
*Attleboro'*, . . . John Foster, Esq.  
*Dighton*, . . . Mr. Josiah Talbot.

COUNTY OF YORK.

*York*, . . . . Mr. Richard Milberry.  
*Kittery*, . . . . Richard Cut, Esq.  
*Wells*, . . . . Capt. John Storen.  
*Berwick*, . . . . Mr. Moses Butler.  
*Falmouth*, . . . . Mr. Samuel Moody.  
*Arundel*, . . . . Capt. Thomas Perkins.  
*Bildeford*, . . . . Mr. John Staggpole.

IN THE ISLAND OF NANTUCKET.

*Sherburn*, . . . George Bunker, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1738.

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## CHAPTER 1.

ORDER ALLOWING 25/ 6 TO JOHN NEELAND AND JER. SMITH.

A PETITION of John Neeland and Jeremiah Smith Proprietors of the Township granted to Ipswich Inhabitants; Shewing that by accident a house they were owners of in the said Township was burnt down, and amongst other things, twenty five shillings and six pence in Bills of the new Tenour was burnt there; Praying that that sum may be allowed them out of the Publick Treasury.

Legislative  
Records of the  
Council,  
xvii. (1), 206.  
House Jour-  
nal, p. 12.

Read and

*Ordered*, that the Prayer of the Petition be granted, and M<sup>r</sup> Treasurer Foye is directed to pay to the Hon<sup>ble</sup> Thomas Berry Esq<sup>r</sup> to be by him repaid to the Petitioners, to make good their respective losses, the sum of Twenty five shillings and six Pence of the new Tenour Bills out of the Publick Treasury. [*Passed June 3.*]

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## CHAPTER 2.

ORDER REMITTING THE DUTY ON RUM TO SAM<sup>l</sup> PHILLIPPS AND BENJ<sup>a</sup> HAMMET.

A PETITION of Samuel Phillips and Benjamin Hammet; Praying for the remittance of the duty of Impost on fifteen Hogsheads of Rum by them imported from Barbadoes and landed in Boston for the Trimming of the Cask, and then exported in the same vessel, viz<sup>t</sup> in the Schooner John, whereof the s<sup>d</sup> Phillips is master.

Legislative  
Records of the  
Council,  
xvii. (1), 209.  
House Jour-  
nal, p. 14.

Read and

*Ordered*, that the Prayer of the Petition be granted; and the Impost Officer is hereby directed to remit the Duty of the said fifteen Hogsheads of Rum accordingly. [*Passed June 7.*]

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## CHAPTER 3.

ORDER WITH NOTICE REFERRING THE PETITION OF BENJ<sup>r</sup> TAR & OTHERS.

A PETITION of Benjamin Tar and others Inhabitants of the Easterly part of the first Precinct in Gloucester; Setting forth their great disadvantages for attending the Publick Worship there, and Praying that they may be allowed one quarter part of their Precinct Tax to enable

Legislative  
Records of the  
Council,  
xvii. (1), 209.  
Mass.  
Archives,  
xi., 502.

Mass.  
Archives,  
xli., 502.  
House Jour-  
nal, p. 15.

them to maintain Preaching among them in the three winter months in the year.

Read and

*Ordered* that the petitioners serve the first parish in Gloucester with a Copy of the petition that they shew Cause if any they have on the first thursday of the next sitting of the Court why the prayer thereof should not be granted and the petition is referred in the mean time for Consideration. [*Passed June 8.*<sup>1</sup>

## CHAPTER 4.

### ORDER IMPOWERING MRS KATH. NOYES AS ADMINISTRATRIX TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (1), 210.

House Jour-  
nal, p. 22.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Katherine Noyes, relict widow and Administ<sup>x</sup> of Oliver Noyes Esq<sup>r</sup> dec<sup>d</sup> and Guardian of her Son Oliver Noyes a minor, Belcher Noyes, Mather Byles and Anna his wife, and Sarah Pulcifer; which said Belcher, Oliver, Anna and Sarah are children of the said Oliver Noyes Esq<sup>r</sup> dec<sup>d</sup>; Praying that the said Katherine Noyes may be impowered in her own Capacity and as Guardian to her Son to join with the other Petitioners in the sale of a house and land near Fort Hill in Boston in the occupation of William Snowden and Joseph Urian, which was set off to the said Widow for Dower, and the house is now old and much out of repair.

Read and

*Ordered* that the Prayer of the petition be granted and that the Petitioner Katherine Noyes in her own Capacity as well as in the Capacity of Guardian to the Minor within named (attending the directions of the law of this Province impowering Executors and Administrators to sell land and other real Estate) be and hereby is impowered to join with the other Petitioners in the sale of the House and Land within mentioned, and to execute in due form of law a Deed for the Conveyance thereof to any person that shall give most for the same; the Improvement and Income of the produce of the Premises to be for the benefit of the said Katherine during her natural life, she giving Bond with sufficient Sureties to the Judge of Probate for the County of Suffolk and his Successors in said Trust, that her Executors or Administrators shall at her decease pay back the principal sum to the children of her late Husband the within named Oliver Noyes or their legal Representatives, that so the same may be distributed to and among them, agreeable to the direction of the Law of the Province for the Distribution of Intestate Estates. [*Passed June 8.*

## CHAPTER 5.

### ORDER WITH NOTICE REFERRING THE PETITION OF DA<sup>v</sup> HAMMOND AND OTHERS TO BE SET OFF FROM IPSWICH AND ANNEXED TO ROWLEY.

Legislative  
Records of the  
Council,  
xvii. (1), 211.

House Jour-  
nal, p. 21.

A PETITION of David Hammond, Nathaniel Bradstreet John Harris, Hannah Hammond, Hannah Hammond the second, and Mary Hammond all of Ipswich; Shewing that their habitations are diverse miles distant from the Meeting House in Ipswich and within half a mile of the Meeting House in Rowley; Praying that they and their lands, as particu-

<sup>1</sup> This date is according to Mass. Archives; according to the House Journal and Legislative Records of the Council the date is June 7.

larly set forth and bounded in the Petition, be set off from Ipswich and added to the Town of Rowley.

Read and

*Ordered* that the Petitioners serve the Town of Ipswich with a copy of the Petition that they shew cause, if any they have, on the first Fry-day of the next Sitting of the Court, why the prayer thereof should not be granted, and the Petition is refer'd in the mean time for consideration.<sup>1</sup> [*Passed June 8.*]

## CHAPTER 6.

### ORDER ALLOWING £2. 15 TO ELIS<sup>A</sup> TURNER.

A PETITION of Elisabeth Turner of Scituate; Praying that she may be allowed out of the Publick Treasury the sum of Eight Pounds ten shillings for so much in the Bills of this Province which was burnt in her house when that was consumed in March last.

Legislative  
Records of the  
Council,  
xvii. (1), 212.  
House Jour-  
nal, p. 20.

Read, and in answer to this Petition

*Ordered* that M<sup>r</sup> Treasurer Foye be impowered and directed to pay out of the Publick Treasury in the New Tenour Bills to the Hon<sup>ble</sup> John Cushing Esq<sup>r</sup> to be by him paid to the Petitioner Elisabeth Turner the sum of Two pounds fifteen shillings to make good to her the loss of the Bills of Credit she sustained when that value was burnt with her other goods and chattels as within mentioned. [*Passed June 8.*]

## CHAPTER 7.

### ORDER ANNEXING LAND OF JOSEPH ELLIS TO MEDWAY.

ON THE PETITION of Joseph Ellis; [*ante*, p. 467, chap. 252]

Read together with the answer of the new Precinct in Wrentham; and the matter being fully considered;

*Ordered*, that the Prayer of the Petition be so far granted as that the Petitioner and his family with the Tract of land on which he now dwells be and hereby are set off from the Precinct within mentioned, and to all intents and Purposes belong to the Town of Medway. [*Passed June 9.*]

Legislative  
Records of the  
Council,  
xvii. (1), 213.  
House Jour-  
nal, p. 23.  
*Ante*, p. 467,  
chap. 252.

## CHAPTER 8.

### ORDER ERECTING THE INHABITANTS OF AGAWAM INTO A SEPARATE PRECINCT.

A PETITION of Israel Fearing and others Inhabitants of that part of the Town of Plymouth called [Agawam]<sup>2</sup> Setting forth their great distance from any place of Publick Worship, and Praying to be set off a separate Precinct, agreeable to a Vote of the said Town.

Read and

*Ordered* that the Prayer of the Petition be granted and the said Inhabitants of Agawam with all the other Inhabitants thereon within the said Town of Plymouth be and hereby are erected into a separate and distinct Precinct, the Bounds thereof to be the same as mentioned

Legislative  
Records of the  
Council,  
xvii. (1), 216.  
House Jour-  
nal, pp. 16, 17.  
*Post*, p. 502,  
chap. 64.

<sup>1</sup> At the hearing, December 20, House Journal, p. 48, this petition was dismissed.

<sup>2</sup> *Sic.*



in a Deed of the said Lands the Petitioners purchased of the said Town of Plymouth: Which is agreeable to a Town Vote of the eighth of May last past. And the Inhabitants of the said Plantation within the Bounds aforesaid are hereby vested and endowed with equal Powers Privileges & Immunities that the Inhabitants of any other Precinct within this Province are endowed with. [*Passed \* June 9.*]

## CHAPTER 9.

### VOTE GRANTING 250 ACRES OF LAND TO HAN. BRADLEY.

Legislative  
Records of the  
Council,  
xvii. (1), 217.

House Jour-  
nal, p. 24.

A PETITION of Hannah Bradley of Haverhill; Setting forth the great sufferings and services of her Husband and herself in the late Indian Wars, and Praying for some Allowance from this Court in consideration of the same.

Read and in consideration of the very great sufferings as well as services of the Petitioner:

*Voted* that Two Hundred and Fifty Acres of the unappropriated lands of the Province lying and being in the Township of Methuen in the County of Essex, be and hereby is granted to the Petitioner Hannah Bradley her heirs and assigns for ever, Provided she or they do within three years from the Confirmation of the Plat build a good Dwelling House thereon of eighteen feet square and seven feet stud at the least, and have a family actually dwelling therein, and also within the said Term plow up, fit, and bring to for mowing or plowing five acres of the granted premisses, and have the same well inclosed and under actual improvement; And that the Petitioner be allowed and empowered to return a Plat thereof by a Survey<sup>r</sup> and Chain men on Oath to this Court within twelve months for Confirmation. [*Passed June 10.*]

## CHAPTER 10.

### ORDER ANNULING A JUDGMENT AND DIRECTING A BOND TO BE DELIVERED UP.

Legislative  
Records of the  
Council,  
xvii. (1), 220.

House Jour-  
nal, pp. 11, 29.  
*Ante*, p. 455,  
chap. 227.

ON THE PETITION of Uriah Thayer, [*ante*, p. 455, chap. 227]

Read, and the Parties being admitted, were heard, and the matter being fully considered;

*Ordered* that all Proceedings on the Writ within mentioned be and hereby are superseded and declared null and void, and that the Clerk of the Inferior Court of Common Pleas within the County of Middlesex deliver up the Bond mentioned, to the Plaintiff. [*Passed June 13.*]

## CHAPTER 11.

Legislative  
Records of the  
Council,  
xvii. (1), 220.

House Jour-  
nal, p. 29.  
*Ante*, p. 469,  
chap. 257.

### ORDER REFERRING THE PETITION OF TIM<sup>o</sup> STYLES AND OTHERS OF BOXFORD.

ON THE PETITION of Timothy Styles and others, a Committee of the first Parish in Boxford; [*ante*, p. 469, chap. 257]

*Ordered* that this Petition be refer'd to the Second Wednesday of the Fall Session for further Consideration.<sup>1</sup> [*Passed June 13.*]

<sup>1</sup> At the hearing, December 6, House Journal, p. 11, this petition was dismissed.

## CHAPTER 12.

ORDER GRANTING A PENSION OF £1 PER ANNUM TO ELEAZAR ROGERS.

A PETITION of Eleazar Rogers of Plymouth Setting forth his services and sufferings in the late Indian War, in which he has been so wounded as to be greatly disabled from doing any thing for his support; and praying for a further consideration from this Court.

Read and

*Ordered* that a pension of Four pounds per annum of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to the Petitioner during his natural life, inclusive of the Pension or Stipend formerly made him by this Court. [*Passed June 13.*]

Legislative  
Records of the  
Council,  
xvii. (1), 220.

House Jour-  
nal, pp. 15, 28.  
Province  
Laws, xi., 269,  
chap. 123.

## CHAPTER 13.

ORDER WITH NOTICE REFERRING THE PETITION OF GEO LAWTON AND OTHERS OF DARTMOUTH IN REGARD TO A BRIDGE.

A PETITION of George Lawton, William Sisson & divers others of the Town of Dartmouth, Shewing that one William Hix has built a Bridge over Aconet<sup>1</sup> River in said [Town]<sup>2</sup> where he had the Privilege of keeping a Ferry; which Bridge is a common nuisance by stopping the passage of Boats up and down the River, and otherwise; And therefore Praying that this Court would order the Demolishing of it, or that the Court of General Sessions of the Peace for the County of Bristol may inquire into the matter and give relief to the Petitioners.

Read and

*Ordered* that the Petitioners serve the said William Hix with a copy of the Petition that he shew cause (if any he have) on the first Thursday of the next Sitting of the Court why the Prayer thereof should not be granted; and the Petition is refer'd in the mean time for consideration. [*Passed June 13.*]

Legislative  
Records of the  
Council,  
xvii. (1), 221.

House Jour-  
nal, pp. 21, 22.

## CHAPTER 14.

ORDER ALLOWING THE HEIRS OF MR JAMES TAYLOUR TO PRESENT A PLAT OF 500 ACRES OF LAND FOR CONFIRMATION.

A PETITION of Edward Lutwich in behalf of the Heirs of Mr James Taylour dec<sup>d</sup> Shewing that they returned a Plat to this Court of Five Hundred Acres of Land granted them for their Fathers services, but the Plat was rejected; since which they took a new Plat which happened to be mislaid; and it being now found, praying liberty to present it for confirmation.

Read and

*Ordered* that the Prayer of the Petition be granted. [*Passed June 14.*]

Legislative  
Records of the  
Council,  
xvii. (1), 222.

Legislative  
Records of the  
Council, xvi.,  
228. House  
Journal, pp. 28,  
29. *Ante*,  
p. 79, chap.  
161.

<sup>1</sup> The House Journal, p. 21, reads, "*Accoret.*"

<sup>2</sup> Inserted from the House Journal, p. 22.

## CHAPTER 15.

ORDER WITH NOTICE REFERRING THE PETITION OF ANDREW TUCKER  
AND JOHN STACY TO FILE AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (1), 223.  
House Jour-  
nal, p. 29.

A PETITION of Andrew Tucker and John Stacy of Marblehead in the County of Essex, Shewing that they commenced their action of the case at the Inferior Court of Common Pleas for the said County against Joseph Morse of Boston, and from a Judgement given against them they appealed to the Superior Court, and pending the said Appeal the Parties agreed to refer their controversy to divers persons, which occasioned the Petitioners not to file their Reasons of Appeal; But the Referrees could come to no Determination of the Affair, and therefore Praying that the Petitioners may be allowed to file their reasons of Appeal and prosecute the same at the next Superior Court to be held at Salem for said County.

Read and

*Ordered* that the Petitioners serve the adverse Party the said Joseph Morse with a copy of the Petition, that he shew cause (if any he have) on the First Tuesday of the next Sitting of the Court why the Prayer thereof should not be granted; and the Petition is refer'd in the mean time for consideration accordingly. [*Passed June 14.*]

## CHAPTER 16.

ORDER WITH NOTICE REFERRING ISA BARKERS PETITION TO BRING  
FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (1), 223.

Legislative  
Records of the  
Council,  
xvii. (1), 239.  
House Jour-  
nal, p. 35.

A PETITION of Isaac Barker of Pembroke in the County of Plymouth; shewing that at the Trial before the Superior Court held at Plymouth in April last, of an Action brought originally by the Petitioner against Isaac Keen an essential paper which he put into the case was not with the Jury when they considered the matter; by which means, as the Petitioner supposes, he lost the case; and therefore praying for a new Trial.

Read and

*Ordered* that the Petitioner serve the adverse Party the said Isaac Keen with a Copy of the Petition, that he shew cause, if any he have, on Wednesday the Twenty eighth of June instant if the Court be then Sitting, if not, on the first Thursday of the next Sitting of the Court, why the Prayer of the Petition should not be granted; And the Petition is referred in the mean time for consideration.<sup>1</sup> [*Passed June 14.*]

## CHAPTER 17.

ORDER WITH NOTICE REFERRING THE RUMNEY MARSH PETITION TO  
BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (1), 228.

A PETITION of Mr Thomas Chever, Cpt Nathaniel Oliver, Sam<sup>ll</sup> Watts Esq<sup>r</sup> and many others Inhabitants of the district called Rumney Marsh within the Town of Boston Setting forth the great difficulties and dangers

<sup>1</sup> In Legislative Records of the Council, xvii. (1), 239, a duplicate of this chapter appears. At the hearing on December 13, 1738, *ibid.*, xvii. (1), 225, the petition was dismissed.

they have undergone in attending their duty in the said Town and the many inconveniences arising from their situation on the other side of the harbour, and Praying that they may be constituted a separate township.

Legislative  
Records of the  
Council, xvi.,  
474, 490.  
House Jour-  
nal, p. 31.

Read and

*Ordered* that the Petitioners serve the Town of Boston with a Copy of the Petition that they shew cause, if any they have, on the first Fry-day of the next sitting of the Court, why the Prayer thereof should not be granted, and the Petition is refer'd in the mean time for consideration accordingly. [*Passed June 14.*]

## CHAPTER 18.

ORDER ALLOWING £5 PER ANNUM FOR FIVE YEARS TO JOS. JOHNSON.

A PETITION of Josiah Johnson of Woburn, Shewing that whereas this Court were pleased to allow him an Annual Pension of Eighteen Pounds in consideration of his being disabled by wounds he received in the Publick Service against the Indian enemy, the Term for the said Pension expired in July last; and for as much as his wounds are still open and incurable; therefore Praying that his Pension may be continued.

Legislative  
Records of the  
Council,  
xvii. (1), 231.  
House Jour-  
nal, p. 53.  
*Ante*, p. 38,  
chap. 80.

Read and

*Ordered* that the prayer of the Petition be so far granted as that the Petitioner be allowed to have and receive a Stipend of six pounds per annum of the New Tenour Bills for the space of five years, to be accounted from the Expiration of the Term of the last Stipend which was on the Fourth day of July last; the money to be paid him out of the Publick Treasury annually. [*Passed June 15.*]

## CHAPTER 19.

ORDER WITH NOTICE REFERRING THE PETITION OF ROBT HOWARD AND OTHERS OF BRIDGEWATER TO BE ERECTED INTO A SEPARATE TOWNSHIP.

A PETITION of Robert Howard and others Inhabitants of the Town of Bridgewater, Shewing their inconvenient situation for attending the Publick Worship of God, and their Civil Duties in the said Town, and Praying that they with their Estates by the Bounds particularly set forth in the Petition (wherein a small part of the Town of Stoughton is included) may be erected into a separate and distinct Township.

Legislative  
Records of the  
Council,  
xvii. (1), 231.  
Mass.  
Archives,  
cxiv., 206.

Read &

*Ordered* that the petitioners Serve the West precinct in the town of Bridgewater & also the town of Stoughton with a Copy of the petition that they shew Cause if any they have on the first thursday of the next Sitting of the Court why the prayer thereof should not be granted, and the petition is referred in the meantime for Consideration. [*Passed June 15.*]

Mass.  
Archives,  
cxiv., 203-213.  
House Jour-  
nal, p. 34.  
*Ante*, p. 309,  
chap. 110.

## CHAPTER 20.

## ORDER OF NOTICE, WITH STAY OF EXECUTION, ON THE PETITION OF ISAAC MORSE TO FILE AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (1), 232.

House Jour-  
nal, pp. 35, 36.

A PETITION of Isaac Morse of Holliston in the County of Middlesex, Shewing that at the Inferior Court held at Concord for said County in August last Jonathan Philips of Preston in Connecticut recovered Judgement against him for Twenty two pounds on Bond, from which he appealed to the next Superior Court, but thrô his Lawyers neglect in not filing reasons of Appeal, he lost the benefit of it; and therefore Praying that he may be enabled to file his reasons and have a trial at the next Court.

Read and

*Ordered* that the Petitioner serve the adverse party or his attorney Jonas Smith of Watertown with a copy of the Petition, that either of them shew cause, if any they have, on Tuesday the twentieth instant, why the Prayer thereof should not be granted; and Execution within mentioned is staid in the mean time. [*Passed June 16.*]

## CHAPTER 21.

## ORDER ALLOWING £4 PER ANNUM FOR FIVE YEARS TO ELEAZAR DAVIS.

Legislative  
Records of the  
Council,  
xvii. (1), 233.

House Jour-  
nal, pp. 42, 43.

A PETITION of Eleazar Davis, Praying for some relief from this Court in consideration of wounds he has received in the Publick Service whereby he is yet disabled from supporting himself by his labour, and often suffers much pain thereby.

Read, and in answer to this Petition

*Ordered*, that the sum of Four Pounds per annum of the new Tenour Bill<sup>1</sup> be granted and allowed to be paid out of the Publick Treasury for the space of Five years to the Petitioner Eleazar Davis to commence from the first day of this instant June, by way of stipend or pension on the account of the wounds and smart, received as within mentioned. [*Passed June 16.*]

## CHAPTER 22.

## ORDER ON THE PETITION OF THE INHABITANTS OF THE NORTH PRECINCT IN EASTHAM TO BE ERECTED INTO A SEPARATE TOWNSHIP.

Legislative  
Records of the  
Council,  
xvii. (1), 233.

House Jour-  
nal, p. 47.  
*Ante*, p. 438,  
chap. 185.

ON THE PETITION of the Inhabitants of the North Precinct in Eastham; [*ante*, p. 438, chap. 185]

Read and

*Ordered* that the Prayer of the Petition be so far granted as that the Inhabitants of the North Precinct within mentioned with all their lands within the same be and hereby are sett off and made a separate Township, agreeable to the Bounds and the Reservations and Provisions contained in a Vote of the Town of Eastham pass'd the Fifteenth of May last, and that the Petitioners have leave to bring in a Bill accordingly. [*Passed June 16.*]

<sup>1</sup> *Sic.*



## CHAPTER 23.

ORDER REMITTING TO THE TOWN OF HANOVER A FINE FOR NOT  
SENDING A REPRESENTATIVE.

A PETITION of the Select Men of the Town of Hanover; Praying that this Court would remit to the said Town two several Fines laid on them for not sending a Representative in the Years 1729 and 1734<sup>1</sup> they being small and not able to bear that charge.

Read and

*Ordered* that the sum of six pounds of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to M<sup>r</sup> Thomas Joselyn by him to be paid to the said Town of Hanover on<sup>2</sup> their Order, to reimburse them the Fine of Eighteen Pounds within mentioned which they have paid into the Publick Treasury. [*Passed June 16.*]

Legislative  
Records of the  
Council,  
xvii. (1), 234.

House Jour-  
nal, pp. 34, 43.  
*Ante*, p. 222,  
chap. 223.

## CHAPTER 24.

ORDER CONFIRMING A PLAT OF THE TOWNSHIP GRANTED TO SAM<sup>l</sup>  
HEYWOOD AND OTHERS.

A PLAT of a Township of the Contents of Six Miles square granted to Samuel Haywood and others laid out by Joseph Wilder Esq<sup>r</sup> Survey<sup>r</sup> and Chain men on oath, lying on the Easterly side of Menadnuck Hill, between that and the Township laid out to Salem Inhabitants and others that served in the Canada Expedition in the year 1690, and lying on the Southerly Branch of Contocook River, which Branch runs thro<sup>o</sup> the Tract; Beginning at a Black Birch Tree, being the South East Corner; thence running West six miles and sixty eight rods by a line of mark'd Trees to a Spruce Tree mark'd; thence North by a line of mark'd Trees six miles and sixty rods to a Stake and Pillar of Stones; Thence East by a line of mark'd Trees six miles and sixty eight rods to a Stake and heaps of stones; thence to the Bounds first mentioned six miles and sixty Rods.

Read and

*Ordered* That the plat be Accepted And the Lands therein delineated & described be and hereby are confirmed to the Grantees the petitioners mentioned in the petition of samuel Haywood and others, and their Associates Agreeable to the Grant of this Court of the said township made them at the sitting begun & held the thirtieth of November last past; and to their heirs and Assigns respectively for Ever; they effectually complying with & fullfilling the Conditions of the Grant, provided the plat exceeds not the quantity of six Miles Square of Land and does not interfere with any former Grant. [*Passed June 16.*]

Legislative  
Records of the  
Council,  
xvii. (1), 235.  
Maps and  
Plans, Mis.,  
xii., 4.

Maps and  
Plans, Mis.,  
xii., 4. House  
Journal, pp. 38,  
39. *Ante*,  
p. 465, chap.  
250.

## CHAPTER 25.

ORDER IMPOWERING HANNAH BULLARD AND NATHANIEL KINGSBURY  
ADMINISTR<sup>RS</sup> TO COMPLETE TRANSACTIONS IN LAND.

A PETITION of Hannah Bullard and Nath<sup>l</sup> Kingsberry Administrators of W<sup>m</sup> Bullard late of Dedham, dec<sup>d</sup>; Shewing that the said William

Legislative  
Records of the  
Council,  
xvii. (1), 235.

<sup>1</sup> By *ante*, p. 222, chap. 223, this fine appears to have been remitted.

<sup>2</sup> The House Journal, p. 43, reads, "or."

House Jour-  
nal, pp. 48, 49.

had made several Agreements with divers persons for the purchasing and selling sundry parcels of lands, and received and gave money or notes for the same, but the Deeds were not executed before his death; and therefore Praying that the Petitioners may be impowered to compleat the said Bargains and to give and receive Deeds of Conveyance accordingly.

Read and in answer to this Petition

*Ordered* that the Petitioners, Hannah Bullard and Nath<sup>l</sup> Kingsberry the Administrators within named be and hereby are impowered to receive of Michael Dwight within named and his Wife a Deed of the twelve acres of land within mentioned to the Heirs of the said deceased, also to execute in due form of law in their said capacity a Deed of six of the said twelve acres unto the said Jonathan Onion, and when the said Deeds are perfected, said Note to be delivered up to the said Administrators. Further that the said Administrators execute a Deed to the said Nath<sup>l</sup> Kingsberry of two Acres of Common Right, and to Solomon Bullard an other Deed of the one Acre of Common Right within mentioned; and that the several Deeds before mentioned make a good Title to the respective Purchasers their Heirs and Assigns. [*Passed June 16.*]

## CHAPTER 26.

ORDER WITH NOTICE REFERRING THE PETITS OF JOHN METCALF AND OTHERS OF DEDHAM IN REGARD TO BOUNDARIES.

Legislative  
Records of the  
Council,  
xvii. (1), 236.

House Jour-  
nal, p. 49.

A PETITION of John Metcalf and eleven others Setting forth the great inconveniences from the course of the Dividing Line between the Towns of Dedham and Stoughton, and Praying that for the future Neponset River may be the Boundary between said Towns:

Read and

*Ordered* that the Petitioners serve the Towns of Stoughton and Dedham with Copies of this Petition that they shew cause, if any they have, on the Second Wednesday of the next Session of this Court, why the Prayer thereof should not be granted. [*Passed June 16.*]

## CHAPTER 27.

VOTE FOR A MEETING OF THE INHAB<sup>S</sup> OF ARROWSICK AND AUTHORIZING THE COLLECTION OF TAXES.

Legislative  
Records of the  
Council,  
xvii. (1), 237.

House Jour-  
nal, p. 45.

*Toted* that Samuel Denny Esq<sup>r</sup> a principal Inhabitant of the Island of Arrowsick alias George Town in the County of York be and hereby is fully authorized and directed to call a Meeting of the Inhabitants there as soon as may be with convenience, for the chusing of Select Men, Constables, Collectors, and other ordinary Town Officers, who shall stand till the time of the Anniversary Meeting by law, for the choice of Town Officers in March next; And that the said Collectors be and hereby are as fully authorized and impowered to gather and collect all Rates and Taxes to them committed with Warrant therefor, as any of the Collectors within any of the Towns of this Province are by law impowered unto, and to pay the same according to the direction in the Warrant annexed to the Rates; conformable to the law in such cases made and provided. [*Passed June 17.*]

## CHAPTER 28.

VOTE IMPOWERING JOS. KELLOG TO CHARGE 10/ PER WEEK PER MAN FOR VICTUALLING THE GARRISON AT THE TRUCK HOUSE IN NORTH-FIELD.

A MEMORIAL of Joseph Kellog Esq<sup>r</sup> Commander of the Garrison at the Truck House above Northfield, praying in consideration of the dearness of Provisions, that they<sup>1</sup> may be allowed ten shillings per week per man for Billetting the said Garrison.

Legislative  
Records of the  
Council,  
xvii. (1), 238.

House Jour-  
nal, p. 42.

Read and

*Voted*, that the Memorialist be allowed to charge in his Muster Roll for the year past, and also for the currant year, after the rate of ten shillings per week per man for subsistence. [*Passed June 17.*]

## CHAPTER 29.

ORDER WITH NOTICE REFERRING THE PETITION OF SAM<sup>LL</sup> BULLARD AND OTHERS OF STOUGHTON TO BE ANNEXED TO DEDHAM.

A PETITION of Samuel Bullard, Timothy Gay and others inhabitants of the Westerly part of Stoughton lately set off a Precinct with the Southerly Part of Dedham; Praying that they and their Estates with the Lands lying within the Westerly Precinct Line in Stoughton aforesaid may be annexed to the Town of Dedham; which the said Town of Stoughton have voted under some Limitations.

Legislative  
Records of the  
Council,  
xvii. (1), 238.

House Jour-  
nal, p. 50.  
Province  
Laws, xi., 514,  
chap. 126.

Read and

*Ordered* that the Petitioners serve the Town of Dedham with a Copy of this Petition and the Vote of the Town of Stoughton of the seventeenth of May last, that they may shew cause, if any they have, on the first Thursday of the next Sessions, why the prayer of the Petition may not be granted, with the Provisoos and Savings in the said Vote mentioned. [*Passed June 17.*]

## CHAPTER 30.

ORDER WITH NOTICE REFERRING ISAAC MYRICKS PETITION FOR A NEW TRIAL OF AN ACTION.

A PETITION of Isaac Myrick of Nantucket, Praying that he may be allowed to prosecute his appeal to the Superior Court from a Judgement of the Inferior Court of Common Pleas for the County of Nantucket, held in October 1736, obtained against him by Sylvanus Hussey, and which Appeal he claimed in Season, but thro' his ignorance in the law he neglected to recognize and file his Reasons of Appeal, as he now understands the Law requires.

Legislative  
Records of the  
Council,  
xvii. (1), 239.  
Mass.  
Archives,  
ixiii., 510.

Mass.  
Archives,  
ixiii., 511.  
House Jour-  
nal, pp. 44, 45.

Read &

*Ordered* That the pet<sup>r</sup> Serve the adverse party with a Copy of the petition that he shew Cause if any he hath on the first Friday of the next sitting of the Court why the prayer thereof should not be granted and the petition is referred for Consideration in the Mean time. [*Passed June 17.*]

<sup>1</sup> *Sic.*

## CHAPTER 31.

ORDER ALLOWING THE PLYM<sup>o</sup> COUNTY TREAS<sup>RS</sup> ACCT.

Legislative  
Records of the  
Council,  
xvii. (1), 240.

House Jour-  
nal, p. 10.

AN ACCOMPT presented by John Foster Esq<sup>r</sup> Treasurer of the County of Plymouth for the year 1737. Having been presented to the Court of General Sessions of the Peace for the said County, and by the said Court allowed:

Read and Accepted, and

*Ordered* that the Accompt be allowed. [*Passed June 19.*]

## CHAPTER 32.

## ORDER AUTHORIZING REPAIRS TO THE LIGHT HOUSE BOAT AND APPOINTING A COMMITTEE ON REPAIRS TO THE LIGHT HOUSE.

Legislative  
Records of the  
Council,  
xvii. (1), 241.

House Jour-  
nal, pp. 42, 52.

A MEMORIAL of Robert Ball Keeper of the Light House Shewing that divers repairs are necessary at the said Light House, dwelling house, and wharf there, and a cable sails and rigging wanting to the boat, Praying that this Court would give Orders thereon.

In the House of Represent<sup>ves</sup>; Read, and in answer to the within Memorial:

*Ordered* that the Impost Officer be and hereby is impowered and directed to provide for the necessary repairs for the Light House boat within mentioned, as a Cable, Running Rigging and Sails sufficient for her, and see that the said Boat be furnished therewith, with all convenient speed; And further that William Ward Esq<sup>r</sup> Cpt. Gyles Russel and Job Almy Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall join be a Committee to repair to the Light House, as soon as may be, take a careful view of the same, more particularly of the Lanthorn on the Top of the House, and report their Opinion of what repairs may be convenient to be effected there.

In Council; Read. and Concur'd, and John Stoddard and William Dudley Esq<sup>rs</sup> are joined in the affair. [*Passed June 20.*]

## CHAPTER 33.

ORDER ALLOWING THE CO. TREA<sup>R</sup> OF BARNSTABLE HIS ACCT.

Legislative  
Records of the  
Council,  
xvii. (1), 242.

House Jour-  
nal, p. 14.

AN ACCOMPT presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable for the year 1737. having been laid before the Court of General Sessions of the Peace for said County and by them allow'd:

Read and Accepted, and

*Ordered* that this Accompt be allowed. [*Passed June 20.*]

## CHAPTER 34.

## ORDER ALLOWING JAB. OMSTEAD FURTHER TIME TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Jabez Omstead of Ware River, Shewing that whereas this court have been pleased to grant him Two Hundred Acres of Land, thro' some disappointments he has not been able to lay out the same within the time limited; And therefore Praying for further time for returning a Plat thereof:

Read and

*Ordered* that the Prayer of the Petition be granted, and the Petitioner is hereby allowed twelve months from this time to take and return a Plat of the Grant within that time for confirmation, and that within two years from thence he effectually fulfill and perform the Conditions of the Grant. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xvii. (1), 243.

House Jour-  
nal, p. 28.  
*Ante*, p. 337,  
chap. 172.

## CHAPTER 35.

## ORDER ALLOWING £100 TO REV. MR JOHN SERGEANT.

IN ANSWER to the Memorial of Mr John Sergeant Minister of Gods Word, and a missionary to the Housatanuck Indians in the pay of the Corporation for Propagating the Gospel in Foreign Parts; representing his streights and hardships in settling himself there, and Praying the Benevolence of this Court in favour of so good a cause: It is therefore

*Ordered* that the sum of One Hundred Pounds in Province Bills of the New Tenour be freely given him and granted to be allowed and paid out of the Publick Treasury to the Hon<sup>ble</sup> John Stoddard Esq<sup>r</sup> by him to be paid or delivered the Memorialist for his Encouragement and assistance in building and seating himself at Housatanuck. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xvii. (1), 243.

House Jour-  
nal, pp. 46, 50.

## CHAPTER 36.

## ORDER IMPOWERING THE SELECTMEN OF BOSTON TO OPEN THE HOSPITAL ON RAINSFORD ISLAND.

*Ordered* that the Select Men of the Town of Boston be and hereby are fully authorized and impowered to agree with some suitable Person to keep the Hospital, lately built by Order of this Court at Rainsfords Island for the reception of sick and infectious Persons; and that the said person be desired and impowered to take all proper care of such persons as may be sent to the said Hospital; and that the said Select Men be impowered to agree with the Person who may take care of the sick &c for his time and service therein, by the Year. [*Passed June 21.*]

Legislative  
Records of the  
Council,  
xvii. (1), 244.

Legislative  
Records of the  
Council,  
xvii. (1), 38.  
House Jour-  
nal, p. 55.  
Province  
Laws, ii., 943,  
chap. 8; 984,  
*Ante*, p. 352,  
chap. 209.



## CHAPTER 37.

## ORDER WITH NOTICE REFERRING DAV. INGERSOLS PETITION TO FILE AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (1), 245.  
Mass.  
Archives, xli.,  
240.  
Mass.  
Archives, xli.,  
239. House  
Journal, p. 53.  
*Ante*, p. 316,  
chap. 127.

A PETITION of David Ingersol of Westfield ; Praying that he may be allowed to file his reasons of Appeal to the Superior Court in the County of Hampshire from several Judgements, on actions between the Petitioner and John Munn and Abigail his wife (which reasons were omitted to be filed thro' the forgetfulness of the Petitioners Attorney) and that he may have a trial of the said causes.

Read and

*Ordered* that the petitioners serve the within Named John Munn & Abigail his wife with a Copy of the petition that they shew Cause if any they have on the first thursday of the next sitting of the Court why the prayer thereof should not be granted, and the petition is referred in the Meantime for Consideration. [*Passed June 21.*]

## CHAPTER 38.

## ORDER WITH NOTICE REFERRING THE PETITION OF DIVERS PERSONS IN REGARD TO WATERTOWN MILL DAM.

Legislative  
Records of the  
Council,  
xvii. (1), 245.  
House Jour-  
nal, p. 46.  
*Infra*, chap. 39.

A PETITION of Josiah Kingsberry and a great number of others belonging to the towns of Newtown, Needham, Weston, Medfield, and Sherburn ; Setting forth the great disadvantages they are under as to the Alewife Fishery &c occasioned by a Mill Dam over Charles River in the Town of Watertown ; praying for relief.

Read and

*Ordered* that the Petitioners serve the Town of Watertown as well as the Owners of the Mills there, with a copy of the Petition that they shew cause, if any they have, on the first Fryday of the next Session of the Court why the prayer thereof should not be granted, and the Petition is refer'd in the mean time for consideration. [*Passed June 21.*]

## CHAPTER 39.

## ORDER WITH NOTICE REFERRING THE INDIANS PETITION IN REGARD TO WATERTOWN MILL DAM.

Legislative  
Records of the  
Council,  
xvii. (1), 245.  
House Jour-  
nal, p. 46.  
*Supra*, chap.  
38.

A PETITION of Joseph Ephraim and others, Indians and Inhabitants of Natick, complaining of the raising the Mill Dam over Charles River at Watertown, whereby they are prevented from the use of their privilege of taking Alewives and other fish, and therefore Praying for relief from this Court.

Read and

*Ordered* that the Petitioners serve the Town of Watertown as well as the Owners of the Mills near the Bridge there, with a Copy of the Petition that they shew cause, if any they have, on the first Fryday of the next Session of the Court why the Prayer thereof should not be granted ; and the Petition is refer'd in the mean time for consideration. [*Passed June 21.*]

## CHAPTER 40.

## ORDER SETTING OFF DIVERS FAMILIES FROM SCITUATE AND ANNEXING THEM TO PEMBROKE.

A PETITION of the Town of Pembroke and of John Magoon, John Magoon Jun<sup>r</sup> Job Randal and Isaac Hatch all of Scituate; Shewing that the said John Magoon &<sup>c</sup> are under great disadvantages as Inhabitants of Scituate, and much more commodiously situated for the Town of Pembroke, which is small and poor, and needs further encouragement; and therefore Praying that they may be set off from Scituate and joined to the Town of Pembroke.

Read and

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioners John Magoon, John Magoon Jun<sup>r</sup> Job Randal and Isaac Hatch with their Estates be and hereby are to all intents and purposes set off from the Town of Scituate and annexed to the Town of Pembroke. [*Passed June 21.*]

Legislative  
Records of the  
Council,  
xvii. (1), 246.  
House Jour-  
nal, p. 55.

## CHAPTER 41.

## ORDER IMPOWERING THE PROPRIETORS OF LOWER ASHUELET TOWNSHIP TO SURVEY AND LAY OUT LANDS AS AN EQUIVALENT FOR LANDS SURVEYED BY MISTAKE.

A PETITION of Nathaniel Hammond and Ephraim Jones in behalf of the Proprietors of the Township called the Lower Ashuelet; Shewing that in laying out their Township thro' their ignorance of the North and Easterly Bounds of the Town commonly called Arlington, they ran in upon the said Town two miles and one hundred and forty rods, by which means their Township is so much less than it ought to be; And therefore Praying that an equivalent in Province Lands may be granted to them.

In the House of Rep<sup>ves</sup>

Read and forasmuch as part of the Land included in the plat of the said Ashuelot township taken by order of the Court is within the bounds & plat of the township, confirmed some time before to Josiah Willard Esq<sup>r</sup> & others but it not being duly certified that the surveyor & Chain Men employed in the m[*casu*]re<sup>1</sup> & survey thereof were under Oath

*Ordered* that Benjamin prescot and John Hobson with such as the honourable board shall joine be a Committee at the petitioners Charge by a surveyor and Chain Men on Oath to take a true survey of the Land included within the bounds of said Township last mentioned as afore-said; and lay out into a regular Form an Equivalent thereto adjoining to said township, if the Land will allow thereof, or otherwise in some of the unappropriated land of the province adjoining to some township, and return a plat thereof to this Court within twelve Months for Confirmation to the said proprietors

In Council; Read & Concur'd And John Stoddard Esq<sup>r</sup> is joined in the Affair, And that any two of the Committee be a Quorum.

In the House of Rep<sup>ves</sup>

Read & Concurd. [*Passed June 21.*]

Legislative  
Records of the  
Council,  
xvii. (1), 246.  
Mass.  
Archives,  
cxiv., 251.  
Mass.  
Archives,  
cxiv., 253.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 11.  
House Jour-  
nal, pp. 43, 52,  
56. *Ante*,  
p. 303, chap. 96.

<sup>1</sup> Manuscript mutilated.

## CHAPTER 42.

## ORDER ALLOWING THE ACCOMPT OF WORCESTER CO TREASURER.

Legislative  
Records of the  
Council,  
xvii. (1), 251.

House Jour-  
nal, p. 12.

AN ACCOMPT of Benjamin Flagg Treasurer of the County of Worcester for the year 1737 having been laid before the Court of General Sessions of the Peace for said County and by them allowed:

Read and

*Ordered* that the Accompt be allowed. [*Passed June 22.*]

## CHAPTER 43.

## ORDER IMPOWERING EXPERIENCE GOLD TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (1), 252.

House Jour-  
nal, p. 52.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Experience Gold, relict widow and Executrix of the last Will and Testament of her late husband Thomas Gold dec<sup>d</sup>; Shewing that the said Testator, after some small Legacies gave the rest of his Estate both real and personal to the Petitioner for life, for her own comfortable support and for the maintenance & education of his children; that the Petitioner has contracted considerable debts in bringing up the said children. And therefore Praying that she may be enabled to make Sale of the Northerly half of a certain House and Land at the North End of Boston; the said House being in a very ruinous condition.

Read and

*Ordered* that the Prayer of the Petition be granted, and the Petitioner is accordingly allowed and impowered to make sale of the House and Land within mentioned for the most the same will fetch, and in proceeding therein to observe the rules & directions of the Act of this Province of the Sixth year of the Reign of His late Majesty King George Chap. 3<sup>d</sup> relating to the sale of Real Estates and to pass and execute in due form of law a good Deed of Sale and Conveyance thereof to the person who shall purchase the same; the proceeds whereof to be applied for the payment of the Petitioners debts and her support and maintenance for life: Provided the Petitioner give Security to the Judge of the Probate of Wills for the County of Suffolk that so much of the proceeds of the sale of the premisses as shall remain after her decease and her Funeral Expences are discharged, shall, by her Executors or Administrators be paid and equally distributed to & among the Children and Heirs of her late husband; agreeable to his last Will and Testament. [*Passed June 22.*]

## CHAPTER 44.

## ORDER WITH NOTICE REFERRING THE GRAFTON PETITION IN REGARD TO AN INDIAN WILL.

Legislative  
Records of the  
Council,  
xvii. (1), 252.

House Jour-  
nal, p. 55.

A PETITION of Nehemiah How and others a Committee of the Town of Grafton (formerly the Plantation of Hassanimesco) Shewing, that one Joshua Misco an Indian Proprietor, by his last Will bequeathed his Estate to one Antipas Brigham of Marlborô; which Will is proved and allowed by the Judge of Probate for said County; which occasions great inconvenience to the Proprietors of Grafton: And therefore Praying that Order may be given by this Court for the effectual preventing such practices.

Read and

*Ordered* that the Petitioners serve the within named Antipas Brigham with a copy of the petition that he make answer thereto on the first Fry-day of the next Sitting of the Court and that in the mean time the Petition be refer'd for consideration. [*Passed June 22.*]

## CHAPTER 45.

### ORDER IMPOWERING THE PRESID<sup>t</sup> AND FELLOWS OF HARVARD COLLEGE TO SELL LAND.

A PETITION of the President and Fellows of Harvard College; Setting forth that they have in pursuance of an Order of this Court sold sundry parcels of land in Rowley belonging to the said College & have contracted with Anthony Caverly for the Purchase of his Farm in Waltham, but the produce of the abovesaid lands is not sufficient for the purchase thereof; And therefore Praying that they may be impowered to make sale of sundry small parcels of land in and near Cambridge, contained in a Schedule to the Petition annexed, which yield but a small rent, for the enabling them to compleat the purchase of M<sup>r</sup> Caverlys Farm.

Legislative  
Records of the  
Council,  
xvii. (1), 254.

House Jour-  
nal, pp. 61, 62.  
Province  
Laws, xi., 777,  
chap. 172.

Read and

*Ordered*, that the Prayer of the Petition be granted, and the Memorialists are hereby fully authorized and impowered to make sale of the seven pieces of land within mentioned to the best advantage, to the Person or Persons that will give most for the same, and to pass and execute in due form of law a good Deed or Deeds of Sale and Conveyance thereof; Provided the Memorialists invest the proceeds of the sale of the afore mentioned pieces of land in other real Estate for the sole use benefit and behoof of Harvard College in Cambridge. [*Passed June 23.*]

## CHAPTER 46.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO JOHN RUSSEL ESQ<sup>r</sup>.

A PLAT of Two Hundred Acres of Land laid out by Nathaniel Kellogg Survey<sup>r</sup> and Chain men on oath, to fulfill a grant made by this Court to John Russell Esq<sup>r</sup> lying Westward and adjoining to the Town commonly called Arlington, North, and adjoining to a Township lying Eastward of and adjoining to Northfield; bounded North and West on unappropriated land; Beginning at a Heap of Stones which is Arlington South West Corner; thence running North 16° 00. West two hundred and thirty two perch in Arlington West Line; thence West one hundred fourteen perch twelve feet to a stake and Stones; thence South two hundred and twenty two Perch; thence East one hundred and seventy seven perch, to the place first mentioned.

Read and

*Ordered* that the Plat be accepted, and the Lands therein delineated and described be and hereby are confirmed to the said John Russel Esq<sup>r</sup> his Heirs and Assigns in full satisfaction of the Grant within mentioned; Provided it exceeds not the quantity of two hundred Acres of land, and does not interfere with any former grant. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xvii. (1), 254.

House Jour-  
nal, p. 60.  
*Ante*, p. 431,  
chap. 171.

## CHAPTER 47.

## ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND GRANTED TO AARON DENIO.

Legislative  
Records of the  
Council,  
xvii. (1), 255.

House Jour-  
nal, p. 57.  
*Ante*, p. 323,  
chap. 140.

A PLAT of Two Hundred Acres of Land laid out by Seth Field Survey<sup>r</sup> and Chain men on Oath, to fulfill a grant of this Court to Aaron Denio; Beginning at a Hemlock Tree five rods to the Westward of the North East corner of the Upper Ashuelet Township marked **S. F. E F. J N.** ☉; thence running North 20° 00' East two hundred and forty rods to a Beach Tree mark'd ☉ **S F. J N.** then running East 20° 00' South one hundred and thirty four rods to a Beach Tree mark'd as the last; then South 20° 00' West, two hundred and forty rods to a Poplar Tree mark'd ☉ **J N.** then West 20° 00' North, to the first Station.

Read and

*Ordered* that the Plat be accepted, and the lands therein delineated and described be and hereby are confirmed to the said Aaron Denio his Heirs and Assigns, he or they complying with and fulfilling the conditions of the Grant effectually: Provided the Plat exceeds not the quantity of Two Hundred Acres of land, and does not interfere with any former Grant. [*Passed June 23.*]

## CHAPTER 48.

## ORDER IMPOWERING WM CHANDLER AND NATH. KELLOG TO SURVEY AND LAY OUT 200 ACRES OF LAND RESPECTIVELY.

Legislative  
Records of the  
Council,  
xvii. (1), 256.

House Jour-  
nal, p. 61.

A PETITION of William Chandler and Nathaniel Kellog Shewing that they have with great labour and expence survey'd and made an exact Map of Connecticut River for a considerable length where it will be most useful, and therefore Praying in consideration of the publick benefit of this Draught, for such reward from this Court as they shall judge most reasonable.

Read, and in answer to this Memorial,

*Voted* that Two Hundred Acres of the unappropriated lands of the Province be and hereby is given and granted unto the Memorialists their Heirs and Assigns respectively, in consideration of the great pains they have taken and care used as well in making the Survey of the River as appears by the Plan, which may be of publick use and advantage, and also to reimburse any charge which may have arisen in taking the Survey; And that they return a Plat thereof to this Court by a Survey<sup>r</sup> and Chain men on Oath within twelve months for confirmation to the Memorialists their Heirs & Assigns respectively in equal parts. [*Passed June 23.*]

## CHAPTER 49.

## VOTE ALLOWING £488. 14. 8 TO CPT. JOS. KELLOG AND OTHERS.

Legislative  
Records of the  
Council,  
xvii. (1), 257.

A MEMORIAL of Cpt. Joseph Kellog, Commander of the Block House above Northfield, Setting forth the great losses which he and the rest of the garrison sustained by the sudden destruction of the said Block<sup>1</sup>

<sup>1</sup> "Truck House" below and in the House Journal, p. 32.



House by fire in the night, as particularly set forth in a schedule annexed: Praying the compassion of this Court that their losses may be repaired out of the publick Treasury.

Read and in answer to this Petition,

*Voted* that the sum of Four Hundred and eighty eight pounds fourteen shillings and eight pence of the New Tenour Bills be granted and allowed to be paid out of the Publick Treasury to Joseph Kellog Esq<sup>r</sup> by him to be repaid to the persons mentioned in the list annexed to the Petition in proportion to the losses they sustained in the Fire when the Truck House above Northfield was burnt. [*Passed June 23.*]

House Jour.  
nal, pp. 32, 62.

## CHAPTER 50.

ORDER ACCEPTING THE COMMITTEES REPORT ABOUT THE REPAIRS OF THE LIGHTHOUSE &c, AND APPOINTING A COMMITTEE TO EFFECT THE SAME.

JOHN STODDARD Esq<sup>r</sup> from the Committee of both Houses appointed to view the Light house gave in the following Report, viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xvii. (1), 257.

The Committee have been down at Beacon Island and viewed the Light House &c and find the Platform or Gallery round the Lanthorn defective and rotten, some of the Beams under the stairs where they enter the wall also rotten, and the floor in the Eastern lower room in the Dwelling House worn out, some more loads of stone on the North side of the new Wharf, and two or three of the Boxes next the land on the said Wharf, want to be filled up with large stones; which repairs we are of Opinion should be made and the Light House painted white. All which is submitted; in the name and by Order of the Committee

House Jour-  
nal, p. 66.  
*Ante*, p. 490,  
chap. 32.

JOHN STODDARD

In the House of Represent<sup>ves</sup> Read and Accepted and

*Ordered* that the Report be accepted, and M<sup>r</sup> John Sumner and Samuel Sewall Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> Board be a Committee fully authorized and impowered to see the Repairs at the Light House &c as within reported, be effected in the most prudent method as soon as may be.

In Council; Read and Concur'd, and William Dudley and Samuel Welles Esq<sup>rs</sup> are joined in the affair. [*Passed June 23.*]

## CHAPTER 51.

ORDER OF NOTICE ON THE PETITION OF THE HEIRS OF DAV<sup>d</sup> PHIPPEN COMPLAINING OF A JUDGMENT.

A PETITION of John Higginson Esq<sup>r</sup> in behalf of the Heirs of David Phippen of Falmouth dec<sup>d</sup> Shewing that the said Heirs are seized of a tract of land dwelling house and Saw Mill in Falmouth aforesaid, and on the first of February 1736 demised the same to one Nath<sup>l</sup> Jones to hold to the first of June 1738; that Joshua and Samuel Moodey in behalf of the Proprietors of Falmouth brought ejectment for the said House and Mill and about one hundred and twenty Acres of Land against one Joseph Plummer who was not nor ever had been in possession, and obtained Judgement; by which means the said Heirs are unjustly dissiezed without having any opportunity to defend them-

Legislative  
Records of the  
Council,  
xvii. (1), 258.  
Mass.  
Archives, vi.,  
511.  
Mass.  
Archives, vi.,  
510–514, 517.  
House Jour-  
nal, pp. 68, 69.

selves; And therefore Praying for such relief as this Court shall think meet to afford them.

Read &

*Ordered* that the Pet<sup>rs</sup> Serve the Adverse party Joshua Moody & Sam Moody with Copys of this Petition that they Shew cause (if Any they have) on the first Fryday of the next Session why the prayer thereof Should not be granted. [*Passed June 23.*]

## CHAPTER 52.

### ORDER IMPOWERING TIM<sup>o</sup> DWIGHT TO SURVEY AND LAY OUT 200 ACRES OF EQUIVALENT LAND.

Legislative  
Records of the  
Council,  
xvii. (1), 258.

House Jour-  
nal, pp. 50, 59.  
*Ante*, p. 324,  
chap. 142.

A PETITION of Timothy Dwight Esq<sup>r</sup> Shewing that he has purchased of Joseph Petty two hundred acres of land which was granted to him by this Court, and which with land granted to Benoni Moor and Robert Cooper is laid out between Northfield and Lunenburg and the Plat confirmed: But forasmuch as the Petitioner has an opportunity to sell this grant to Johannes Spoor, who would take it up in the Western part of the County of Hampshire adjoining to his own lands, and settle one of his Sons thereon; Therefore Praying that upon the Petitioners giving a release to the Province of the land taken up and confirmed, he may be allowed to take up the said two hundred Acres of land in the place last mentioned and be excused from the Obligation of settling the same.

Read and

*Ordered* that the prayer of the Petition be so far granted as that the Petitioner be and is hereby allowed to take up two hundred acres of the Province land at the Place prayed for adjoining to said Spoor's land, in lieu of that already laid out and confirmed aforesaid to said Petty; Provided he gives a legal release or Quitclaim of the same to the Province, and effectually fulfills the conditions of settlement in-joined the said Petty in his grant; and that he be allowed and impowered by a Survey<sup>r</sup> and Chain men on Oath, to survey the same and return a Plat thereof to this Court within twelve months for confirmation on the conditions aforesaid. [*Passed June 23.*]

## CHAPTER 53.

### ORDER ACCEPTING THE COMMITTEES REPORT ON JOHN TUFTON MASONS PETITION IN REGARD TO THE BOUNDARIES OF HIS PROPERTY IN NEW HAMPSHIRE.

Legislative  
Records of the  
Council,  
xvii. (1), 261.

Legislative  
Records of the  
Council,  
xvii. (1), 205,  
208. House  
Journal, pp. 11,  
61.

WILLIAM DUDLEY ESQ<sup>R</sup> from the Committee of both Houses on the Memorial of John Tufton Mason, gave in the following Report, viz<sup>t</sup>:

The Committee above appointed do report on the foregoing Petition as follows: viz<sup>t</sup> Whereas there has been a Settlement of the Line of Property and Jurisdiction made between this Province and New Hampshire, Anno Dom. 1677, in the reign of King Charles the Second, the Agents for the then Colony of the Massachusetts Bay and Robert Tufton Mason the Proprietor of New Hampshire being present and agreeing thereto; The Committee are of Opinion that the Memorialist do, as soon as may be, make out his Descent from the said Robert who was Grand Child of John Mason the Original Grantee to that Province: And

upon the Memorialists so doing, the Committee are of Opinion that this Province be at the charge of his voyage to Great Britain, and of his being improved to the best advantage by our Agents in the present Controversy about the Bonndaries between this Province and New Hampshire :

All which is humbly Submitted by

W<sup>m</sup> DUDLEY in behalf of the Committee.

Read and

*Ordered* that this Report be Accepted. [*Passed June 23.*]

## CHAPTER 54.

### ORDER FOR ADDING DIVERS FAMILIES AND THEIR ESTATES TO GEORGE TOWN.

*Voted* that the Lands lying and being betwixt Stevens's River and the River Sagadahock on the West about three miles in breadth and Parkers Island on the Easterly side of the said River of Sagadahock, extending three miles into the Main with all the Inhabitants thereon, as high up on each side of the River as the Chops of Merry Meeting Bay so called or Temple Bar, be and hereby are annexed to and accounted as Part and Parcel of the town of George Town so called, on Arrowsick Island in Sagadahock River, and subject to do duty and entitled to receive Privilege equal with the inhabitants of said George Town to all Intents & Purposes whatsoever which the Inhabitants of the other Towns in the Province enjoy, and so to continue till the further Order of this Court. [*Passed June 26.*]

Legislative  
Records of the  
Council,  
xvii. (1), 265.  
House Jour-  
nal, p. 70.

## CHAPTER 55.

### ORDER GRANTING 100 ACRES OF LAND TO JOS<sup>A</sup> SOUTEL.

A PETITION of Josiah Soutel, Setting forth his Services in the late Indian Wars in which he received a wound which must disable him for a considerable time ; And therefore Praying that this Court would grant him, or allow him to purchase, a piece of Province land which he has lived upon and improved for about eighteen months past, lying on the West side of Connecticut River adjacent to Northfield, one of the new Canada Towns and some farms.

Read, and in answer to the within Petition,

*Voted*, that One hundred Acres of the unappropriated Lands of the Province inclusive of & adjoining to the Lands improved by the Petitioner as within mentioned be & hereby is given & granted to the Petitioner in Consideration of his Services & Sufferings in the late Wars, and that he return a Plat thereof to this Court within twelve months for Confirmation. [*Passed June 26.*]

Legislative  
Records of the  
Council,  
xvii. (1), 267;  
*ibid.*, xvii.,  
Mis., 14.  
House Jour-  
nal, p. 62.

## CHAPTER 56.

### VOTE CALLING A TOWN MEETING AT STURBRIDGE.

*Voted*, that M<sup>r</sup> Moses Mercie one of the Principal Inhabitants of the Town erected in the County of Worcester at a place called New Medfield by the name of Sturbridge, be and hereby is fully authorized and

Legislative  
Records of the  
Council,  
xvii. (1), 267.  
Legislative  
Records of the  
Council,

xvii. (1), 73.  
House Journal, p. 70.  
Province  
Laws, ii., 946,  
chap. 11; xi.,  
770, chap. 156.

impowered to assemble the Freeholders and other qualified Voters there, as soon as may be, in some convenient place in said Town, in order for their chusing a Town Clerk and all other Town Officers to stand till the Anniversary Meeting of said Town in March next. [*Passed June 27.*]

## CHAPTER 57.

### ORDER REMITTING TO THE TOWN OF ATTLEBORO THE FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council,  
xvii. (1), 268.  
House Journal,  
p. 71.

A PETITION of the Select Men of the town of Attleboro Praying that this Court would remit to them the Fine set upon them for not sending a Representative a last year; forasmuch as they chose nine several Persons, but they all refused to serve.

Read and

*Ordered* that the Prayer of the Petition be granted; And Mr Treasurer is hereby directed to pay to John Foster Esq<sup>r</sup> to be by him repaid to the Order of the said Town of Attleboro the sum of Ten Pounds in new Tenour Bills, to reimburse them the Fine imposed on them for not sending a Representative as within mentioned. [*Passed June 27.*]

## CHAPTER 58.

### ORDER GRANTING 250 ACRES OF LAND TO JABEZ FAIRBANKS.

Legislative  
Records of the  
Council,  
xvii. (1), 102,  
269.

House Journal,  
pp. 74, 76.

A PETITION of Jabez Fairbanks of Lancaster, Setting forth his service in the late Indian Wars, and what losses and sufferings he and his family sustained therein; Praying that this Court would make him a Grant of some of the unappropriated Land of the Province.

[Read, and]

*Voted* that Two Hundred and Fifty Acres of the Province Lands adjoining to some Township or former Grant be and hereby is given and granted to the Petitioner his Heirs and Assigns in consideration of his services and sufferings and that he return a Plat thereof to this Court within twelve months for confirmation. [*Passed June 27.*]

## CHAPTER 59.

### ORDER IMPOWERING THE TOWN OF RUTLAND TO MAKE AN EXCHANGE OF LAND.

Legislative  
Records of the  
Council,  
xvii. (1), 270.

House Journal,  
p. 67.

A PETITION of Eleazar Ball and John Hubbard Agents for the Town of Rutland; Praying that a Committee appointed by the said Town for that purpose may be impowered by this Court to make an exchange of Twenty two Acres of Ministerial land for other lands belonging to the Petitioner Hubbard; And also that the said Town may be impowered to tax all the lands lying in the settling part of said Town at one penny per acre per annum for the support of the Ministry there.

Read, and in answer to this Petition

*Voted* that the Town of Rutland with the Consent of the Rev<sup>d</sup> Mr Frink be and hereby are fully authorized and impowered to exchange with Cpt John Hubbard the said Twenty<sup>1</sup> Acres of Ministerial land

<sup>1</sup> The House Journal, p. 67, reads, "twenty two."

within mentioned, he returning a full and just Equivalent therefor in other Lands in said Town to be for the Ministerial use only there, the Equivalent to be taken according to the best skill and judgment of Samuel Wright Esq<sup>r</sup> Cpt. Joseph Stevens and M<sup>r</sup> Eleazar Ball a Committee of said Town for that purpose appointed at their Meeting the fifteenth day of September A.D. 1735. and the said Committee are impowered to pass and execute in due form of law a good Deed of Conveyance or Exchange of the said Ministerial land to and with the said Cpt. John Hubbard and at the same time they are to receive of the said Hubbard a Deed of Sale or Exchange of his lands for the use of the Ministry there, as a full Equivalent in their best skill & judgment for said Twenty Two Acres; agreeable to the said Town Vote. And the Petitioners are hereby directed & impowered to give publick Notice in the News Papers and other wise of that part of the petition which relates to the Taxing all the Lands in the settling part of Rutland, that so the Non Resident Proprietors of those Lands may have opportunity at the next Sitting of this Court, to make answer thereto, if they see cause; And the consideration of that affair is refer'd to the next Sitting of the Court accordingly. [*Passed June 27.*]

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## CHAPTER 60.

### ORDER REFERRING ABIG. WHITNEYS PETITION FOR LEAVE TO SELL LAND.

A PETITION of Abigail Whitney Executrix of the last Will and Testament of Benjamin Whitney late of Boston dec<sup>d</sup> Praying that she may be impowered to make sale of the Testators farm in Marlborô, the interest of the produce thereof to be applied for the Petitioners support and the education of the Testators younger children, and the principal to be divided according to the directions of the Will.

Read and

*Ordered* That the Consideration of this petition be referred to the next session.<sup>1</sup> [*Passed June 27.*]

Legislative  
Records of the  
Council,  
xvii. (1), 271.  
Mass.  
Archives,  
xvii., 548.  
Mass.  
Archives,  
xvii., 547.  
House Jour-  
nal, p. 65.

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## CHAPTER 61.

### ORDER IMPOWERING SAM<sup>L</sup> SEWALL ESQ<sup>R</sup> &c. TO SURVEY AND LAY OUT 500 ACRES OF LAND.

A PETITION of Samuel Sewall Esq<sup>r</sup> for himself and the rest of the Heirs of Major Stephen Sewall late of Salem dec<sup>d</sup> Praying for some allowance from this Court in consideration of his services and expences for many years especially in time of War as Commander of the Fort at Salem, for which he received nothing in his life time.

Read and in answer to this Petition

*Voted* that Five Hundred Acres of the unappropriated lands of the Province be and hereby is given and granted to the Petitioner Samuel Sewall Esq<sup>r</sup> and the other children and Heirs of their Father Stephen Sewall late of Salem Esq<sup>r</sup> dec<sup>d</sup> and the legal representatives and descendants of such of them as are deceased, on Account of the Services and Expence of their said Father as within mentioned, and that the

Legislative  
Records of the  
Council,  
xvii. (1), 272.  
House Jour-  
nal, pp. 72, 73,  
74.

<sup>1</sup> At the hearing, January 15, House Journal, p. 107, and Legislative Records of the Council, xvii. (1), 392, this petition was dismissed.



Grantees be allowed and impowered to survey the same by a Surveyor and Chain men on Oath, and return a Plat thereof to this Court within twelve months for Confirmation accordingly. [*Passed June 27.*]

## CHAPTER 62.

### ORDER IMPOWERING DEB<sup>th</sup> NORTON TO MAKE A SALE OF REAL ESTATE

Legislative  
Records of the  
Council,  
xvii. (1), 272.

House Jour-  
nal, p. 54.

A PETITION of Deborah Norton of Chilmark in Marthas Vineyard; Shewing that by the death of Samuel Hillman her son by her first husband one half of his real estate is fallen to her, and forasmuch as her present Husband has deserted her for many years and removed into an other Province and she is reduced to great streights; therefore Praying for liberty to sell the said estate:

Read, and

*Ordered* that the Prayer of the Petition be granted and the Petitioner is hereby allowed and impowered to make sale of the Real Estate which fell to her at the decease of her son by<sup>1</sup> her first Husband Samuel Hillman late dec<sup>d</sup>; her intermarriage since with the said Peleg Norton and the coverture thereon notwithstanding. [*Passed June 27.*]

## CHAPTER 63.

### ORDER FOR A MEETING OF THE PROPRIETORS OF THE TOWN GRANTED TO SAM<sup>l</sup> HAYWOOD AND OTHERS.

Legislative  
Records of the  
Council,  
xvii. (1), 241.

House Jour-  
nal, p. 80,  
*Ante*, p. 487,  
chap. 24.

*Ordered* that M<sup>r</sup> Jonathan Prescott, one of the Grantees of the new Township<sup>1</sup> granted to Samuel Haywood and others, be and hereby is fully authorized and impowered to notify and warn the said Proprietors or Grantees to assemble and convene as soon as may be in some convenient place to chuse a Proprietors Clerk, and pass such Votes and Orders for the effectual bringing forward the Settlement of said Township agreeable to the conditions of the Grant, and also to chuse such other Officers as they may think proper, and to agree upon a method for calling future Meetings, agreeable to the rules of the Law. [*Passed June 28.*]<sup>2</sup>

## CHAPTER 64.

### VOTE CALLING A PRECINCT MEETING AT AGAWAM.

Legislative  
Records of the  
Council,  
xvii. (1), 276.

House Jour-  
nal, p. 80,  
*Ante*, p. 481,  
chap. 8.

*Ordered* that Jyr<sup>ah</sup><sup>3</sup> Swift one of the principal Inhabitants of a new Precinct lately erected in the Town of Plymouth at a Place called Agawam be and hereby is fully authorized and impowered to assemble and convene the Freeholders & other qualified Voters there as soon as may be in some convenient publick place, to chuse a Precinct Clerk & other Officers to stand until their Anniversary Meeting in March next. [*Passed June 28.*]

<sup>1</sup> This township became Peterborough, New Hampshire.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 20.

<sup>3</sup> The House Journal, p. 80, reads, "Josiah."

## CHAPTER 65.

## ORDER ON MASHPEE INDIANS PETITION.

A PETITION of *Peter Chenachussen, Josiah Peter, Obadiah Attegun*, and sundry other Proprietors of Lands at an Indian Plantation called *Mashpee*, praying leave to hire out some of their Lands, so as that they may receive for Rent the value of *sixty Pounds*, which they desire may be applied in repairing their Meeting House; and also that the Aid of the Court may be afforded them for the better regulating their Propriety, for the Reasons mentioned.

House Journal, p. 20  
(June, 1737).  
Legislative Records of the Council, xvii. (1), 276.  
House Journal, p. 44  
(June, 1737);  
p. 82.

Upon a Memorial of Matthias Richards &c Setting forth that for the Reasons mentioned the Petitioners had lost the benefit of the Vote:

*Ordered* that the same be and hereby is revived, and that the Justices of the Court of General Sessions of the Peace for the County of Barnstable are hereby impowered and directed in their next Session to take into their consideration the subject matter of this Petition and to join, if need be, some suitable Persons with said Agents, to lease out some Tracts of the Indians Lands and Meadow within the boundaries of their Propriety sufficient to raise the sum from the issues rents and profits thereof to answer the ends of the petition; And that such Lease or Leases as have been already made upon the former Order of this Court, as well as those that may be made pursuant to this, be laid before this Court for their approbation. [*Passed June 28.*]

## CHAPTER 66.

## ORDER ACCEPTING THE COMMITTEES REPORT ON THE AFFAIR OF OYSTER ISLAND AND APPOINTING TRUSTEES.

THE COMMITTEE appointed to consider the Petition of the Indian Proprietors of Oyster Island having met and considered the same, are of Opinion that the Prayer of the Petition be granted, and that the Island be sold to the highest bidder, according to the sixth of George the First Chap. 3<sup>d</sup> that there be Trustees appointed to see justice done to the Indians, and to assist them in the sale thereof; the Indians to execute lawful Deeds for the same; But in case of the minority of any of the Heirs, the said Trustees have power to execute said Deed or Deeds in their Behalf. The money arising from said sale to be put into the hands of said Trustees, they taking care to adjust Accompts with the heirs of Daniel Parker Esq<sup>r</sup> and others and to pay off what they shall find to be justly due from said Indian Proprietors, and improve the remainder, if any be, for the use and benefit of said Indians as they shall have occasion for their own and families support; reserving liberty for the Indians to dress oysters on said Island. All which is submitted.

Legislative Records of the Council, xvii. (1), 277.  
House Journal, pp. 76, 77.  
Province Laws, li., 151, chap. 16.  
*Ante*, p. 437, chap. 182.

In the name and by Order of the Committee. MEL: BOURN.

In Council; Read and

*Ordered* that this Report be accepted, and that John Cushing Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House be the Trustees for the Purposes within mentioned.

In the House of Represent<sup>ves</sup> Read and Concur'd with the Amendment viz<sup>t</sup> the said Trustees to be accountable to this Court for the whole of their Proceedings in the Affair and Col. James Warren is joined therein.<sup>1</sup> [*Passed June 28.*]

<sup>1</sup> No concurrence with the amendment appears in the record, but the Governor's consent follows.

## CHAPTER 67.

## ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO EBENEZER SHELDEN.

Legislative  
Records of the  
Council,  
xvii. (1), 278.

House Jour-  
nal, p. 74.  
*Ante*, p. 324,  
chap. 144.

A PLAT of Three Hundred Acres of Land laid out by Oliver Patridge Survey<sup>r</sup> and Chain men on Oath, to fulfill a grant made by the General Court to Ebenezer Shelden and others, lying West of Northampton Township and East of Suffield Equivalent North East Corner.

Read and

*Ordered* that the Plat be accepted and the Lands therein delineated and described be and hereby are confirmed to the said Ebenezer Shelden and Samuel and Mary Clap their Heirs and Assigns respectively; Provided the Plat exceeds not the quantity of Three Hundred Acres of Land and does not interfere with any former grant. [*Passed June 28.*]

## CHAPTER 68.

## ORDER CONFIRMING BOUNDARIES AS LAID DOWN ON THE PLAT OF HATFIELD TOWNSHIP.

Legislative  
Records of the  
Council,  
xvii. (1), 278.  
Maps and  
Plans, Mis.,  
xii., 9.

Maps and  
Plans, Mis.,  
xii., 10. House  
Journal, pp. 77,  
81, 82.

A PLAT of land laid out for the Township of Hatfield containing Thirty Six Thousand five hundred and fifty Acres, equal to nine miles long and six broad, laid out by Timothy Dwight Esq<sup>r</sup> Survey<sup>r</sup> and Chain men on Oath, with Two Thousand Acres more for so much formerly laid laid<sup>1</sup> out to Bradstreet and Denison, included in said tract; beginning at a White Oak Tree on the Bank of Connecticut River which is the Boundary between Hatfield and Deerfield; the whole Tract bounded Easterly with Connecticut River, Northwardly by Deerfield Township, Southwardly partly by land that Hadley reserved for themselves and partly by Northampton North Bounds, as described in this Plat.

A Plat of the Township of Hatfield in the County of Hampshire being laid before this Court, and it appearing by the Grants of the Township their Bounds should extend Northerly from Northampton North Bounds and the Land the town of Hadley reserved to themselves, six miles; and from Connecticut River at their North and South Bounds nine miles Westward into the wilderness; And whereas the said North and South Line as laid down in the said Plat extends Westward ninety eight poles further than their Grant expresses, by which there is Eleven Hundred and Seventy Six acres contained therein more than was granted said Town, And it happens there was Two Thousand Acres of Land laid out within the lines of said Township to satisfy Grants made to particular persons; and the said Town of Hatfield being for many years a frontier Town and the Inhabitants thereof greatly exposed to difficulties and dangers during the course of the late Indian war:

*Voted* that the West line of the said township as it is laid down and described in the said plat hereto Annexed be and hereby is approved<sup>2</sup> & confirmed to be the West boundary of the<sup>2</sup> said town of Hatfield; Provided<sup>2</sup> the same be not more than Nine Miles and Ninety Eight poles from the said River Westward. [*Passed June 29.*]

<sup>1</sup> *Sic.*

<sup>2</sup> Manuscript mutilated.

## CHAPTER 69.

## ORDER DIRECTING JOHN MAGOON AND OTHERS TO PAY TAXES IN SCITUATE.

*Voted* that John Magoon and the three other Families of Scituate Two Miles, which which<sup>1</sup> were annexed to Pembroke by Order of this Court in the present Session, shall be subject to be taxed with their estates in Province and County Taxes this present year in the said Town of Scituate; the Order for annexing them to Pembroke notwithstanding. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (1), 279.

House Jour-  
nal, p. 80.  
*Ante*, p. 493,  
chap. 40.

## CHAPTER 70.

## ORDER CALLING A TOWN MEETING OF THE INHABITANTS OF THE NEW TOWN ERECTED OUT OF LANCASTER.

*Ordered* that M<sup>r</sup> John Whitney a principal Inhabitant of a new Town<sup>2</sup> lately erected out of the Town of Lancaster in the County of Worcester, be and hereby is fully authorized and impowered to assemble the Freeholders and other qualified Voters there as soon as may be, in some convenient publick Place in said Town, in order to chusing a Town Clerk and other Town Officers, to stand till the Anniversary Meeting of said Town in March next. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (1), 280.

House Jour-  
nal, p. 70.  
Province  
Laws, ii., 942,  
chap. 7.  
*Ante*, p. 418,  
chap. 140.

## CHAPTER 71.

## ORDER ALLOWING THE ACCOMPT OF THE TREASURER OF MIDDLESEX.

AN ACCOMPT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1737, having been laid before the Court of General Sessions of the Peace for said County and by them allowed:

Read and

*Ordered*, That the Accompt be allowed (except the Articles of forty Six shillings in the particulars in M<sup>r</sup> Sheriff Fosters Accompts, and the Article of forty Six shillings & six pence charged in M<sup>r</sup> Mason's accompt for thirty one Warrants for County tax, which are not allowed.[]]<sup>3</sup> [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (1), 280;  
*ibid.*, xvii.,  
Mis., 12.

House Jour-  
nal, p. 81.

## CHAPTER 72.

ORDER ALLOWING THE ACC<sup>t</sup> OF THE TREASURER OF HAMPSHIRE.

AN ACCOMPT presented by William Pyncheon Jun<sup>r</sup> Esq<sup>r</sup> Treasurer of the County of Hampshire for the year 1737, having been laid before the Court of General Sessions of the Peace for said County and by them allowed:

Read and

*Ordered* that this Accompt be allowed. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (1), 280.

House Jour-  
nal, p. 81.

<sup>1</sup> *Sic.*

<sup>2</sup> This town became Bolton.

<sup>3</sup> Inserted from Legislative Records of the Council, xvii. (1), 280.

## CHAPTER 73.

ORDER ALLOWING THE ACCO<sup>T</sup> OF THE TREASURER OF YORK COUNTY.

Legislative  
Records of the  
Council,  
xvii. (1), 281.

House Jour-  
nal, p. 81.

AN ACCO<sup>MPT</sup> presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the year 1737; having been laid before the Court of General Sessions of the Peace for said County, and by them allowed:

Read and

*Ordered* that the Accompt be allowed; except ten shillings part of fifty one shillings charged by M<sup>r</sup> Clerk Frosts, on accompt for warrants for County Tax which is not allowed. [*Passed June 29.*]

## CHAPTER 74.

## ORDER ACCEPTING THE ACCOUNT OF THE TRUSTEES OF THE HASSANIMISCO INDIANS.

Legislative  
Records of the  
Council,  
xvii. (1), 281.

House Jour-  
nal, p. 81.

AN ACCO<sup>MPT</sup> presented by Spencer Phips, Edward Goddard and Ephraim Curtiss Esq<sup>rs</sup> Trustees for the Hassanimisco Indians, of receipts and disbursements for them for the last year, amounting to £170. 5. 6 ballance due to the said Indians being £54. 3.

Read and

*Ordered* that the Accompt be accepted, and the Accomptants are accordingly discharged of the sum of One Hundred and sixteen Pounds, two shillings and six pence; the ballance of the Accompt being Fifty four pounds three shillings with the further sum of four pounds three shillings and nine pence in a former accompt respecting the minor children of Moses Printer dec<sup>d</sup> making in the whole the sum of Fifty Eight Pounds sixteen shillings<sup>1</sup> and nine pence, the Trustees for the Indians of Hassanimisco (now Grafton) are still accomptable for. [*Passed June 29.*]

## CHAPTER 75.

## VOTE DISCHARGING CPT. JOS. KELLOG TRUCK MASTER AT NORTHFIELD OF £2,969. 8. 7.

Legislative  
Records of the  
Council,  
xvii. (1), 282.

House Jour-  
nal, pp. 32, 42.  
*Ante*, p. 436,  
chap. 49.

A MEMORIAL of Joseph Kellog Esq<sup>r</sup> Truck Master for the Truck House above Northfield; Shewing that when the Fort and Truck House there were burnt; all the stores for the Indian Trade were consumed; for which the Memorialist stands charged to the Amount of Two Thousand Nine Hundred and Sixty Nine Pounds, eight shillings and seven pence; Praying that he may be discharged thereof.

Read, and forasmuch as it appears that on the fifteenth of January last the whole trading stock belonging to the Province at Fort Dummer, amounting to the sum of Two Thousand Nine Hundred Sixty Nine pounds eight shillings and seven pence, was by the Province<sup>2</sup> of God destroyed by Fire:

*Voted* that the Memorialist Cpt. Joseph Kellog be and hereby is discharged of that sum. [*Passed June 29.*]

<sup>1</sup> The House Journal, p. 81, reads, "six Shillings."

<sup>2</sup> *Sic*; but the House Journal, p. 42, reads, "Providence."



## CHAPTER 76.

## VOTE ALLOWING £70 FOR A PRESENT TO THE INDIANS.

THE HOUSE taking into consideration His Excellencys Message in the morning relating to a Present to be made to the Indian Delegates now in Town:

*Voted* that there be granted and allowed to be paid out of the publick Treasury and put into the hands of M<sup>r</sup> John Wheelwright the sum of Seventy Pounds of the new Tenour Bills for the purchasing such things as are proper and convenient for the said Delegates, which are to be presented to them by His Excellency the Governour in the name of this Government. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (1), 282.

Legislative  
Records of the  
Council,  
xvii. (1), 282.  
House Jour-  
nal, p. 86.

## CHAPTER 77.

ORDER ACCEPTING THE REPORT ON CONRADE BURGHARTS PETITION  
AS TO SETTLEMENT OF HOUSATONUCK.

JOHN STODDARD Esq<sup>r</sup> from the Committee of both Houses on the affairs of Upper Housatanuck reported on the four Petitions herein-after mentioned as follows, viz<sup>t</sup>

On the Petition of Conrade Burghart [*ante*, p. 376, chap. 36]

The Committee are of opinion that this Petition be refer'd to the Fall Session, when probably this Court may have consideration of some grants made him in Upper Housatanuck; Which is submitted

Per JOHN STODDARD,

In the name and by order of the Committee.

Read and Accepted. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (1), 283.

Legislative  
Records of the  
Council,  
xvii. (1), 248.  
House Jour-  
nal, p. 85.  
*Ante*, p. 317,  
chap. 129;  
p. 376, chap. 36.  
*Infra*, chaps.  
78–80.

## CHAPTER 78.

ORDER ACCEPTING THE REPORT ON BENJ<sup>n</sup> SHELDENS PETITION AS TO  
SETTLEMENT OF HOUSATONUCK.

ON THE PETITION of Benjamin Shelden

The Committee find that several of the Settlers in upper Housatanuck have entered into Lands allotted & laid out to other Proprietors, and thereby have greatly obstructed the settlements of that place, The Committee are of Opinion that these Settlers do forthwith surrender & deliver the possession of all such Lands to the rightfull Owners, and in Case of Neglect, that those rights that have been granted to any of them on which they have not built or performed the other conditions of their Grant be by this Court declared forfeited, and that those who shall neglect to deliver Possession as aforesaid shall not be admitted to any Share or division in the lands called Hoplands Which is submitted per JOHN STODDARD

in the name & by Order of the Committee.

Read & Accepted. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (1), 10.  
Mass.  
Archives,  
cxiv., 200.

Legislative  
Records of the  
Council,  
xvii. (1), 283.  
House Jour-  
nal, p. 85.  
*Supra*, chap.  
77. *Infra*,  
chap. 79.

## CHAPTER 79.

## ORDER ACCEPTING THE COMMITTEES REPORT ON ELIAS VAN SKOICKS PETITION.

Legislative  
Records of the  
Council,  
xvii. (1), 284.

House Jour-  
nal, pp. 86, 87.  
*Ante*, p. 384,  
chap. 54.  
*Supra*, chap.  
78. *Infra*,  
chap. 80.

ON THE PETITION of Elias Van Skoick :

The Committee find that the Petitioner is seized of four Rights in the Indian Town, one of which was originally granted to him, the other three he has purchased of Cornelius Van Skoick, of Tunis Van Slicks and Dirick Van Slike; he has built but one House and that on an other mans land; has settled but one Family; has tilled but about five acres and an half of land in each Right, besides a small quantity of Upland; so that he has much failed of the performance of the conditions at least of three Rights. We also find that he has enter'd into the Intervale Lands belonging to Aaron Gardner and part of that belonging to Aaron Van Dyke Esq<sup>r</sup> and keeps the Indians out of possession, altho the Committee for the Indian Town have long since purchased those rights for the Indians. We are of Opinion that the Committee for the Indian Town be directed to purchase the Intervale Lands laid out below the Mountain in Upper Housatanuck to four Rights, together with the After Divisions belonging to two Rights, exclusive of the Hoplands, and the same to confirm to the Petitioner, on condition that he shall resign his possession in the Indian Town before next winter, and relinquish to the Government all his Rights in said Town, and shall within twelve months settle two families on the lands to be granted, and perform all other conditions in the Grant of Upper Housatanuck, and that he and his tenants shall from time to time, without trouble, pay his and their proportionable part of the Ministerial Charges arising in the Town or Parish wherein his lands shall ly; And in case he shall not comply herewith and by the time aforesaid, that then three of the Rights at least which he claims, be declared forfeited, and that some Person or Persons be appointed by this Court to eject him. Which is submitted

Per JOHN STODDARD,

In the Name and by Order of the Committee.

Read and Accepted. [*Passed June 29.*]

## CHAPTER 80.

ORDER ACCEPTING THE COMMITTEES REPORT ON THE PETITION OF JOS. PIXLEY &<sup>c</sup>.

Legislative  
Records of the  
Council,  
xvii. (1), 285.

House Jour-  
nal, pp. 30, 87.  
Province  
Laws, ii., 673,  
chap. 1.  
*Supra*, chap.  
79.

ON THE PETITION of Joseph Pixley and others of Upper Housatanuck

The Committee find that by the Act making Sheffield a Town, their Bounds are ordered to extend from the Divisional Line between this Government and the Colony of Connecticut North Eight miles, and that Upper Housatanuck extends Southward from the Indian Town about Four miles and that between these Two Townships there is a Tract of Land about three miles North and South which was formerly designed to be part of Lower Housatanuck Township, but was not included in their Bounds; on which Land there are about twenty families settled; The Committee are of opinion that in convenient time the said Tract be added to Upper Housatanuck and made part of that Township without altering the property of those Lands. The Committee do further propose that Ephraim Williams Esq<sup>r</sup> be desired, at the charge of the Proprietors of Upper Housatanuck, to take a sur-

vey of the lands called Hop-Lands, and likewise of the valuable lands adjoining and of any other Interval Lands in said Township, and present Plats thereof with a description of the quality of those Lands, to this Court at their next Fall Session, that they may be able to order a Division of those Lands among the Proprietors; And that this Committee may have longer time to make report upon some matters in which they cannot be well informed at present, and this Petition be referred to the Fall Session for further consideration. Which is submitted

Per JOHN STODDARD

In the Name and by Order of the Committee.

Read and Accepted. [*Passed June 29.*]

## CHAPTER 81.

### ORDER ALLOWING £72 TO THE WARRANT OFFICERS AND SOLDIERS OF CASTLE WILLIAM.

A PETITION of the Warrant Officers and Soldiers of Castle William; Shewing that whereas it was formerly the practice of this Court at the Establishment of the Garrison there to grant the Warrant Officers and Soldiers three pounds in money and a coat each, to encourage their Enlistment, the Petitioners have had no such encouragement; And therefore Praying that their wages may be advanced to encourage them in their duty.

Legislative  
Records of the  
Council,  
xvii. (D), 285.

House Jour-  
nal, p. 84.  
Province  
Laws, xl., 88,  
chap. 233.

Read, and in answer to the within Memorial,

*Ordered*, that the sum of Seventy two pounds of the New Tenour Bills be granted and allowed to be paid out of the Publick Treasury to Cpt. John Larrabee by him to be paid out in the purchasing a Coat for each of the Memorialists, of Forty shillings value apiece, as a Gratuity from this Court and for their further encouragement in their duty. [*Passed June 29.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF NOVEMBER, A.D.  
1738.

## CHAPTER 82.

ORDER ALLOWING 33/ 4 TO MARG<sup>T</sup> TIDMARSH.

Legislative  
Records of the  
Council, xvii.,  
Misc., 12. Mass.  
Archives, ci.,  
572.

Legislative  
Records of the  
Council,  
xvii. (1), 295.  
House Jour-  
nal, pp. 3, 4.

*Ordered* That M<sup>r</sup> Treasurer Foye be and hereby is impowred and directed to give in Exchange to C<sup>p</sup>t Daniel Henchman for the Use of M<sup>rs</sup> Margaret Tidmarsh of Boston Thirty three shillings and four pence value in the New tenour Bills for the inclosed Five pound Bill of the old tenor of this province which was Accidentally partly consumed by Fire, being the said M<sup>rs</sup> Tidmarsh property. [*Passed November 30.*]

## CHAPTER 83.

ORDER ALLOWING 40/ 5 TO THEOP<sup>T</sup> COTTON.

Legislative  
Records of the  
Council, xvii.,  
Misc., 1., 298.  
Mass.  
Archives, ci.,  
575.

Mass.  
Archives, ci.,  
574. Legisla-  
tive Records  
of the Council,  
xvii., Misc., 13.  
House Jour-  
nal, p. 4.

A PETITION of Theophilus Cotton of Plymouth, Shewing that thro forgetfulness he left in his wastcoat pocket when it was wash'd Bills of Credit of this Province to the value of six pounds one shilling and three pence, which were wash'd to pieces, so as to be utterly unserviceable: And therefore Praying for an Order to the Treasurer to pay him the said sum to make up his said loss.

Read and in Answer to this petition

*Ordered* that M<sup>r</sup> Treasurer Foye be & hereby is impowred & directed to deliver to the petitioner or his Order forty shillings and five pence in Bills of Credit of the New tenour out of the treasury in lieu of the like Value of the old tenour Bills of this province the petitioner Accidentally lost as within mentioned. [*Passed December 2.*]

## CHAPTER 84.

ORDER OF NOTICE ON THE PETITION OF EBEN<sup>R</sup> AYRES & OTHERS OF  
LAMBSTOWN TO BE ANNEXED TO BRAINTREE.

Legislative  
Records of the  
Council,  
xvii. (1), 299.  
House Jour-  
nal, p. 4.

A PETITION of Ebenezer Ayres and sundry others Proprietors and Inhabitants of the South Easterly part of the Plantation called Lambstown on the Southerly or South Easterly side of Ware River; Shewing that they live on farms which they hold by purchase and they never received any of the Propriety Lands, yet are accounted to make up the

number of Settlers in said place, that their habitations are much more conveniently situated for Brantree new grant than for Lambstown afore said, And therefore Praying that they may be annexed to it.

Read and

*Ordered* that the Petitioners serve the Inhabitants as well as the Proprietors of the Plantation of Lambstown so called, with a Copy of the Petition that they shew cause if any they have on Fryday the fifteenth curreant why the prayer thereof should not be granted. [*Passed December 2.*]

## CHAPTER 85.

ORDER ON THE PETITION OF ROBT HOWARD & OTHERS OF BRIDGEWATER TO BE ERECTED INTO A SEPARATE PRECINCT.

ON THE PETITION of a number of the Inhabitants of the Town of Bridgewater, [*ante*, p. 485, chap. 19] consisting chiefly of the North part of the West precinct & other families of the East Precinct.

Read, together with the Answer, of the West Precinct in the Town of Bridgewater and other papers in the Case, and the Parties being admitted before the Board were fully heard in their pleas & Allegations thereon, All which being considered:

*Ordered*, that the Prayer of the Petition be so far granted, as that all the Lands with the Inhabitants thereon lying half a mile to the Northward of an East & West line from the White Oak Tree at Jonathan Packards corner, together with David Packard, Solomon Packard and Jacob Allen (Inhabitants on the East side the River) their Families and Estates, be set off & constituted a distinct & separte Parish, & be invested with the Powers, Priviledges and immunities that other Precincts or Parishes within this Province do or by Law ought to enjoy. [*Passed December 4.*]<sup>1</sup>

Legislative Records of the Council, xvii., Mis., 25.

Mass. Archives, cxiv., 214-236, 244-248. Legislative Records of the Council, xvii. (1), 300. House Journal, p. 7. *Ante*, p. 485, chap. 19.

## CHAPTER 86.

ORDER OF NOTICE ON THE PETITION OF DIVERS INHAB<sup>S</sup> OF NEWTON NEEDHAM AND WESTON IN REGARD TO FISH IN THE CHARLES RIVER.

ON THE PETITION of divers inhabitants of Newton, Needham and Weston, referring to the stopping the fish in Charles River [*ante*, p. 492, chap. 38]

Read, and forasmuch as it does not appear that the Petitioners have served the Proprietors of the Mills in Watertown with a Copy of the Petition;

*Ordered* that they do forthwith serve them with a Copy, that they give in their answer on Fryday the fifteenth curreant, to which time the consideration thereof is continued and that the Petitioners notify the Select Men of Watertown of this Order. [*Passed December 4.*]

Legislative Records of the Council, xvii. (1), 301.

House Journal, pp. 9, 10. *Ante*, p. 492, chap. 38. *Infra*, chap. 87.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (1); according to the latter, Mis., the date is December 2.



## CHAPTER 87.

ORDER OF NOTICE ON NATICK INDIANS PETITION IN REGARD TO FISH  
IN THE CHARLES RIVER.

Legislative  
Records of the  
Council,  
xvii. (1), 301.

House Jour-  
nal, pp. 9, 10.  
*Ante*, p. 492,  
chap. 39.  
*Supra*, chap.  
86.

ON THE PETITION of the Indians of Natick, referring to the stopping of the Fish in Charles River; [*ante*, p. 492, chap. 39]

Read, and forasmuch as it does not appear that the Petitioners have served the Proprietors of the Mills in Watertown with a Copy of the Petition:

*Ordered*, that they do forthwith serve them with a Copy, that they give in their answer on Fryday the fifteenth Currant, to which time the consideration thereof is continued; and that the Petitioners notify the Select men of Watertown of this Order. [*Passed December 4.*

## CHAPTER 88.

ORDER ALLOWING FURTHER TIME FOR LAYING OUT A TOWN GRANTED  
TO JOHN TYLER AND OTHERS.

Legislative  
Records of the  
Council,  
xvii. (1), 302.

House Jour-  
nal, pp. 11, 12.  
*Ante*, p. 348,  
chap. 203;  
p. 457, chap.  
233.

WHEREAS this Court hath received information that a Committee of theirs, namely Thomas Berry Charles Pierce and John Hobson Esq<sup>rs</sup> appointed to lay out a Township of the contents of six miles square granted in February 1736 to John Tyler, Joseph Pike and others, officers and soldiers in the Canada Expedition, anno 1690 in the Companies late under the command of Cpt John March dec<sup>d</sup> and Cpt. Stephen Greenleaf and the Representatives of such of them as are since deceased have fixed a station lately in order to the laying out their grant, on Merrimack River, between the Northerly Bounds of Contoocook Township or Plantation (so called) and Pemiggewasset River, and the Winter season advancing hath made it difficult for the Committee to finish the Survey; and for as much as the Grantees have been exposed to charges and trouble therein:

*Voted* that they be allowed twelve months from this time to return their Plat, preference of the Land in order to satisfy the grant being hereby allowed the Grantees to be taken from the said station; and that it be an instruction to the aforesaid Committee in proceeding to take a Plat of the granted Township to govern themselves accordingly. [*Passed December 5.*

## CHAPTER 89.

## ORDER GRANTING 300 ACRES OF LAND TO JEFF: BEDGOOD.

Legislative  
Records of the  
Council,  
xvii. (1), 303.  
Mass.  
Archives,  
xvii., 94.

Mass.  
Archives,  
xvii., 93.  
Legislative  
Records of the

A PETITION of Jeffry Bedgood of Boston mariner Setting forth his services as a Pilot in the service of this Government in the Expedition against Canada in the year 1711, in which and in a voyage to England afterwards by order of this Government he lost his employ and spent much time and was never paid one farthing for his service as a Pilot; And therefore Praying for a grant of land or some other satisfaction for his said Services.

Read and

*Ordered* That the prayer of the above petition be Granted, and the first petition within written is revived & in answer thereto

*Voted* That Three hundred Acres of the unappropriated lands of the province be and are Given and Granted to the petr Capt Jeffry Bedgood his heirs & assigns in Full Satisfaction of his Services Expence & trouble within mentioned, and that he return a plat thereof to this Court within twelve months for Confirmation. [*Passed December 5.*]

Council, xvii.,  
Mis., 83.  
House Jour-  
nal, p. 71  
(December,  
1737); p. 10.

## CHAPTER 90.

### ORDER ALLOWING £51. 11 TO ROBERT BALL.

A PETITION of Robert Ball Keeper of the Light House Praying that this Court would grant a suitable allowance for his service in that office the year past, ending the eighth day of November last, and for his extraordinary expence in fewel to keep the Oyl from congealing in the lamps in the Winter season.

Legislative  
Records of the  
Council,  
xvii. (1), 304.  
House Jour-  
nal, pp. 9, 11.

Read, and in answer to this memorial

*Ordered* that the sum of Fifty one Pounds eleven shillings of the new Tenor Bills be granted and allowed to be paid out of the publick Treasury to the Memorialist Robert Ball, in full for his services as Light House Keeper the last year ending the eighth day of November last, and to reimburse him the charge of Fire wood for the greater benefit and advantage of the lights. [*Passed December 5.*]

## CHAPTER 91.

### ORDER IMPOWERING THE HEIRS OF JOHN BRIGHAM TO SELL REAL ESTATE.

A PETITION of Samuel Brown and Sarah his wife and Hannah Brigham for them selves and the said Samuel as he is Guardian to Phœbe and Abigail Brigham minors, the said Sarah, Hannah, Phœbe, and Abigail being Children and Heirs of John Brigham late of Sudbury in the County of Middlesex dec<sup>d</sup> Praying for liberty from this Court to sell three Tracts of land making up about ninety two Acres, which the said Brigham left to his four Daughters abovesaid, the lands not being capable of a division without spoiling the whole, and the advantage to the Minors would be much greater in selling than in dividing said land.

Legislative  
Records of the  
Council,  
xvii. (1), 305.  
House Jour-  
nal, pp. 13, 14.  
Province  
Laws, ii., 151,  
chap. 10.

Read and

*Ordered*, that the prayer of the Petition be granted, and the Petitioner Samuel as he is Guardian to the said two Minors Phœbe and Abigail Brigham is hereby allowed and empowered to join with the said Sarah and Hannah in the sale of the whole of the said ninety two acres of Land for the most the same will fetch, and to pass and execute in due form of law on the part of the said Minors, a good Deed or Deeds of Sale and Conveyance of the whole of their interest in the premisses to the Person or Persons who shall purchase the same; that the Petitioners be directed to proceed in the sale agreeable to the Act of this Province of the sixth year of his late Majesty King George Chap. 3<sup>rd</sup> relating to the sale of Real Estates Provided the Petitioner Samuel Brown Guardian to the said Minors Phœbe and Abigail give sufficient caution to the Hon<sup>ble</sup> the Judge of the Probate

of Wills &c for the County of Middlesex that the Minors part of the Proceeds of the sale of the Premises shall be let out at Interest on good security, the annual issue and profits of the Principal (or so much as may be convenient) to be paid and applied for the comfortable support and proper education of the said Minors, and the Principal (and Interest if any be) to be also paid them as they shall respectively arrive at age or be married; and in ease of their or either of their deaths before, the deceaseds part or interest to be paid to her heir or lawful Representative. [*Passed December 6.*]

## CHAPTER 92.

### ORDER IMPOWERING THO. PEGAN JUN<sup>R</sup> INDIAN TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (1), 247,  
309.

House Jour-  
nal, p. 45  
(June, 1738);  
p. 15. Province  
Laws, ii., 151,  
chap. 10.  
*Infra*, chap. 94.

A PETITION of Thomas Pegun Jun<sup>r</sup> of Natick, Indian, Praying for liberty to sell about twenty five Acres of common Land in said Place for paying off several Debts he has contracted thro' his own lameness & much sickness in his Family, and for the more comfortable support of himself and his family.

Read and

*Ordered* that the Prayer of the Petition be granted, and the Petitioner is hereby allowed and empowered to make sale of his Common Lands within mentioned, not exceeding thirty Aeres thereof, and to make & execute in due form of law a good Deed of Sale and Conveyance thereof to the Person or Persons who shall appear and give most for the same; and in proceeding therein the Petitioner is directed to observe the rules in the Act of this Province of the sixth year of His late Majesty King George Chap 3<sup>d</sup> relating to the sale of Real Estates; And Francis Fulham and John Fisher Esq<sup>rs</sup> are hereby desired to be aiding and assisting to the Petitioner in the sale of the premisses, and to see that he has justice done him therein and that the proceeds thereof be well and truly paid and applied for his use and benefit, agreeable to the prayer of the Petition, according as they in their best prudence & judgement shall think best for him. [*Passed December 8.*]

## CHAPTER 93.

### ORDER IMPOWERING JOS. EPHRAIM JUN<sup>R</sup> INDIAN TO MAKE AN EXCHANGE OF LAND.

Legislative  
Records of the  
Council,  
xvii. (1), 249,  
310.

House Jour-  
nal, p. 15.

A PETITION of Joseph Ephraim Jun<sup>r</sup> of Natick, Indian, praying for liberty from this Court to exchange about forty Aeres of land with Moses Fisk of the same place for forty four Acres belonging to the said Fisk which lies much more commodious for the Petitioner; the difference in value to be estimated by indifferent Persons to be appointed by this Court

Read and

*Ordered*, that the prayer of the Petition be granted, and the Petitioner Joseph is hereby allowed by good Deed to make the exchange of land with Moses Fisk; and Francis Fulham and John Death<sup>1</sup> Esq<sup>rs</sup> are hereby authorized and empowered to be aiding & assisting to him and to see that justice be done him to all intents and purposes, agreeable to his prayer. [*Passed December 8.*]

<sup>1</sup> The House Journal, p. 4 (May, 1738), reads, "*John D'Ath.*"

## CHAPTER 94.

## ORDER IMPOWERING THO: PEGAN INDIAN TO SELL LAND.

A PETITION of Thomas Pegan of Natick, Indian, Praying that he may be allowed to make sale of Twenty Acres of land there (sixteen of which he has gotten by his own industry) the proceeds of the sale to be laid out in enlarging his Dwelling House for the greater comfort of his Family and his Sons Family, and for providing divers necessary utensils for husbandry.

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioner is hereby allowed to make sale of the twenty Acres of Land within mentioned for the most the same will fetch, and in proceeding therein to observe the rules in the Act of this Province of the sixth year of the reign of the late King George Chap: 3<sup>d</sup> relating to the sale of Real Estates, & the Petitioner is also empowered to pass and execute in due form of law a good Deed or Deeds to the Person or Persons who shall purchase and give most for the same; and Francis Fulham Esq<sup>r</sup> Overseer of the Indians in Natick, is hereby desired & empowered to be aiding and assisting and see justice done the Petitioner in the sale of the premisses, and that the proceeds thereof be well and truly applied in making an addition to the Petitioners Dwelling House and in purchasing such necessary tools as he may have most occasion for, agreeable to his prayer. [*Passed December 8.*]

Legislative  
Records of the  
Council,  
xvii. (1), 269,  
310.

House Jour-  
nal, p. 15.  
Province  
Laws, ii., 151,  
chap. 10.  
*Supra*, chap.  
92.

## CHAPTER 95.

## ORDER IMPOWERING RIC. HUTCHINS AND OTHERS TO SELL LAND.

A PETITION of Richard Hutchins, Timothy Corliss, James Hutchins, Mary Hutchins, Jonathan Hutchins, Nathaniel Hutchins, and David Hutchins; Shewing that they are seized of a Tract of Land in the middle of the Town of Haverhill which would sell for a considerable sum, tho it will rent for no more than Twelve pounds a year; that they hold the said land by a Device in the will of their Grandfather John Page dec<sup>d</sup> by which they are restrained from selling the said land; and therefore Praying that this Court would empower them to sell the said land.

Read and

*Ordered* that the prayer of the Petition be granted and the Petitioners with such Guardian or Guardians as is or shall be appointed by the Hon<sup>ble</sup> the Judge of Probate of Wills &c for the County of Essex on the part and in behalf of the Petitioner Elisabeth Hutchins a minor, be and are fully and absolutely authorized and empowered to make sale of the lands and premisses devised to them by their said Grand father John Page dec<sup>d</sup> in and by his last Will; for the most the same will fetch; and in proceeding in the sale to observe the rules and directions of the Act of this Province of the Sixth year of His late Majesty King George Chap 3<sup>d</sup> relating to the sale of Real Estates; and the Petitioners with such Guardian or Guardians are also fully authorized and empowered to pass and execute in due form of law good & sufficient Deed or Deeds of Sale and Conveyance to all Intents and purposes of the estate, to the Person or Persons who shall purchase and give most for the same; provided

Legislative  
Records of the  
Council,  
xvii. (1), 311.

House Jour-  
nal, pp. 17, 18.  
Province  
Laws, ii., 151,  
chap. 10.



the said Guardian or Guardians before the time of sale and conveyance thereof, give sufficient caution to the said Judge that the full proportion or share of the said Elisabeth the Minors part of the sale of the premises shall be let out at Interest on good security, the annual incomes whereof (or so much as may be convenient) to be applied for her comfortable support and proper education; and the principal (with the Interest if any be) to be paid her at her arrival at Age or marriage, and in case she should dy before, then to be paid to her heir or lawful Representative. [*Passed December 8.*]

## CHAPTER 96.

ORDER CONFIRMING A PLAT OF ONE OF THE NEW TOWNS GRANTED TO BOSTON & BY Y<sup>m</sup> SOLD TO JAC. WENDELL ESQ<sup>r</sup>.

Legislative  
Records of the  
Council,  
xvii. (1), 314.  
Maps and  
Plans, Mis.,  
xii., 5.

Maps and  
Plans, Mis.,  
xii., 5, 6.  
House Jour-  
nal, p. 11.  
*Ante*, p. 156.  
chap. 69; p. 278,  
chap. 42.

A PLAT of a Township<sup>1</sup> granted by the General Court to the Town of Boston and sold to Jacob Wendel Esq<sup>r</sup> of the contents of six miles square (including in said Plat a grant of 1,000 acres made to John Stoddard Esq<sup>r</sup>) being 24,040 acres, laid out by John Hutton<sup>2</sup> Survey<sup>r</sup> and Chain men on oath; Bounded as follows viz<sup>t</sup> Beginning at a Stake and Heap of Stones for the South East Corner nigh a small run of water about a mile and half East of Housatanuck River thence running North 20 Deg: East 462 Chains 31 links to a Hemlock Tree mark'd on a hill; thence West 20 Deg. North 520 Chains to a Beach Tree mark'd (upon a steep Hill) with stones about it; thence South 20 Deg. West 462 chains 31 links to a Hemlock mark'd standing by a little brook with stones about it; thence East 20 Deg. South 520 chains to the Stake and Stones first mentioned, lying about five miles North North East from the Indian Town.

Read and

*Ordered* That the plat be accepted & allowed and the Lands therein delineated and described be & hereby are Confirmed to the town of Boston and their Assigns for Ever (exclusive of the One thousand Acres Grant made to the honourable John Stoddard Esq<sup>r</sup> within mentioned) and is in full Satisfaction of One of the three Townships granted by this Court to the said town of Boston at their Session begun and held at Boston May 28. 1735; provided the said town of Boston or their assigns effectually Comply with and fulfill the Conditions of the Grant; and that the plat exceeds not the quantity of twenty four thousand and forty Acres of Land, and interferes not with any other or former Grant. [*Passed December 8.*]<sup>3</sup>

## CHAPTER 97.

VOTE GRANTING 200 ACRES OF LAND TO SIMON STONE.

Legislative  
Records of the  
Council,  
xvii. (1), 313.  
Mass.  
Archives,  
lxxii., 469.

Mass.  
Archives,  
lxxii., 468.  
Legislative  
Records of the

A PETITION of Simon Stone of Shrewsbury; Setting forth his services in the late Indian Wars and the dangerous wounds which he received from the enemy, whereby he is much disabled, and Praying for a grant of some of the unappropriated lands of the Province:

Read and in Answer to this Petition

*Voted* That two hundred Acres of the Unappropriated Lands of the

<sup>1</sup> Now Pittsfield.

<sup>2</sup> The House Journal, p. 11, reads, "*John Hutton.*"

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 9.



province be & hereby is given & granted to the petitioner his heirs & Assigns, and that he return a plat thereof to this Court within twelve Months for Confirmation. [*Passed December 9.*]

Council, xvii.,  
Mis., 13.  
House Jour-  
nal, p. 19.

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## CHAPTER 98.

### VOTE GRANTING 200 ACRES OF LAND TO JOHN READ ESQ<sup>R</sup>.

A PETITION of John Read Esq<sup>r</sup> Praying for a grant of Province Land in consideration of his extraordinary services in the Controversy about the Province Line, more especially his drawing up a state of the case for which he has as yet had no satisfaction.

Read and

*Voted* that Two Hundred Acres of the unappropriated lands of the Province adjoining to some former grant be and hereby is given and granted to the Petitioner his Heirs and Assigns in full satisfaction of his services time and trouble in the affair within mentioned, and that he return a plat thereof to this Court within twelve months for confirmation. [*Passed December 9.*]

Legislative  
Records of the  
Council,  
xvii. (1), 313.

House Jour-  
nal, pp. 19, 20.  
*Ante*, p. 401,  
chap. 37.

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## CHAPTER 99.

### ORDER SETTLING THE BOUNDARY LINE BETWEEN STOUGHTON AND DEDHAM.

ON THE PETITION of John Metcalf & others Inhabitants of the Town of Dedham, [*ante*, p. 488, chap. 26]

Read, together with the Petition of divers inhabitants of the West Precinct in Stoughton, and

*Ordered* that the prayer of the Petition be granted and that the River Neponset be the Bounds hereafter between the Town of Stoughton and the West<sup>1</sup> Precinct in Dedham. [*Passed December 11.*]

Legislative  
Records of the  
Council,  
xvii. (1), 318.

House Jour-  
nal, p. 26.  
*Ante*, p. 488,  
chap. 26.

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## CHAPTER 100.

### ORDER OF NOTICE ON THE PET<sup>N</sup> OF JOSEPH STEVENS & OTHERS OF STOUGHTON TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of Joseph Stevens and others Inhabitants of the South-erly part of the Town of Stoughton; Shewing that they are very incon-veniently situated to attend the Publick worship of God there; And therefore Praying that they may be set off and erected into a separate Township or Precinct by the bounds set forth in said Petition.

Read and

*Ordered* that the Petitioners serve the Town of Stoughton with a Copy of the Petition that they shew cause if any they have on the first Thursday of the next Sitting of the Court, why the Prayer thereof should not be granted.<sup>2</sup> [*Passed December 11.*]

Legislative  
Records of the  
Council,  
xvii. (1), 318.

House Jour-  
nal, p. 22.

<sup>1</sup> The word "West" is corrected in the margin to "first."

<sup>2</sup> At the hearing, April 20, 1739, House Journal, p. 139, this petition was dismissed.

## CHAPTER 101.

## ORDER OF NOTICE ON THE SUTTON PETITION TO LAY A TAX ON LAND.

Legislative  
Records of the  
Council,  
xvii. (1), 319.  
Mass.  
Archives,  
cxiv., 135.

Mass.  
Archives,  
cxiv., 132½.  
House Jour-  
nal, p. 22.  
*Ante*, p. 157,  
chap. 71.

A PETITION of the Select Men of the Town of Sutton Shewing that the lands of the Non Resident Proprietors are much risen in their value by the Inhabitants settling of the said place; And therefore Praying that they may be impowered by this Court to lay a Tax on the said Land to assist them in the support of the Ministry.

Read and

*Ordered* That the pet<sup>rs</sup> give Notice in the publick prints to the Non-resident proprietors of the Lands in the township of sutton of this petition and Order, & that the said Nonresident proprietors shew Cause to this Court if any they have on the first friday of the next Sitting of the Court why the prayer thereof should not be granted, and the petition is referred in the mean time for Consideration.<sup>1</sup> [*Passed December 11.*

## CHAPTER 102.

## ORDER OF NOTICE REFERRING JOHN HIGGINSON'S PETITION.

Legislative  
Records of the  
Council,  
xvii. (1), 327.  
Mass.  
Archives, vi.,  
511.

Mass.  
Archives, vi.,  
510. House  
Journal, pp. 25,  
33. *Ante*,  
p. 497, chap. 51.

ON THE PETITION of John Higginson; [*ante*, p. 497, chap. 51]

Read, Together with the Answer of m<sup>r</sup> Samuel moodey & moses Peirson Attorney for Joshua moodey Esq<sup>r</sup> &

*Order'd* that the further Consideration of this Petition be refered to the first thursday of the Session of this Court in may next that so the Prop<sup>rs</sup> of Falmouth may have Time to make Answer to it and that the Peti<sup>rs</sup> do forthwith Serve the Clerk of the Prop<sup>rs</sup> or Some one principal Proprietor with a Copy of the Petition Accordingly. [*Passed December 11.*<sup>2</sup>

## CHAPTER 103.

## ORDER ACCEPTING THE REPORT ON THE PETITION OF THE COMMITTEE FOR GRAFTON &amp; ANTIPAS BRIGHAM.

Legislative  
Records of the  
Council,  
xvii. (1), 314.

Legislative  
Records of the  
Council,  
xvii. (1), 296.  
House Jour-  
nal, p. 27.  
*Ante*, p. 494,  
chap. 44.

THE COMMITTEE appointed on the Petitions of Nehemiah How and others and the Petition of Antipas Brigham, report, that having heard the parties and also the mother of Joshua Miscoe late of Grafton dec<sup>d</sup> are of opinion that the Petition first mentioned be dismissed, & that the other of Antipas Brigham be granted, and the Will of the said Joshua in the said Petition mentioned, proved, approved and of record in the County of Worcester, take effect be of full force and efficacy according to the Device therein; and that the said Antipas Brigham, according to his desire in the said Petition, do upon the death of the widow or mother of the said Joshua pay into the hands of the Committee of this Court for the letting out the Hassanimisco moneys, the sum of sixty pounds, the interest whereof to be to the Survivor and at her death sixty pounds more, the Interest thereafter of both sums to be applied to a School

<sup>1</sup> At the hearing on April 23, 1739, House Journal, p. 146, this petition was dismissed.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 14.

master in Grafton that shall teach the Indian Natives there dwelling, to read.

By Order of the Committee

W<sup>M</sup> DUDLEY.

Read, and

*Ordered* that this Report be accepted. [*Passed December 12.*<sup>1</sup>

## CHAPTER 104.

### ORDER ABOUT THE BOUNTY ON FLAX AND HEMP.

THIS COURT having been informed that sundry persons who are justly entitled to the Premiums granted or allowed by law for the encouraging the raising of Hemp and Flax within this Province and have received proper certificates from the respective Survey<sup>rs</sup> before the thirty first day of July last, but have not applied themselves to the Treasurer for the same; it being doubted whether the Treasurer can pay any Bounty after the said thirty first day of July:

Legislative  
Records of the  
Council,  
xvii. (1), 320.

House Jour-  
nal, p. 26.  
*Ante*, p. 426,  
chap. 145.

*Ordered* that the Treasurer be and hereby is directed to answer all such certificates as have been given pursuant to the Order or Resolve of this Court of the twelfth of December last; provided that such Certificates are brought into the Treasury at or before the first day of February next. [*Passed December 12.*

## CHAPTER 105.

### ORDER IMPOWERING THE HEIRS OF SAM<sup>L</sup> SEWALL ESQ<sup>R</sup> DEC<sup>P</sup> TO SELL LAND.

A PETITION of Samuel Sewall Esq<sup>r</sup>, Joseph Sewall Clerk, William Cooper, Clerk, and Judith his Wife, William Pepperil Esq<sup>r</sup> and Mary his wife, Charles Chauncey Clerk in behalf of his Children by Elisabeth his late wife dec<sup>d</sup>, Nathaniel Balstone merch<sup>t</sup> and Hannah his wife, and Addington Davenport clerk in behalf of his children by Jane his late wife dec<sup>d</sup> Shewing that their late Father and Grandfather Samuel Sewall Esq<sup>r</sup> dec<sup>d</sup> died seized of several parcels of land in Dunstable and Wilmington, which the Petitioners are desirous to sell; but forasmuch as the Children of the said Elisabeth and Jane are all minors; therefore Praying that this Court would empower the said Charles Chauncey and Addington Davenport to join with the Petitioners in the sale of the said Lands upon their securing to their Children their parts of the produce thereof.

Legislative  
Records of the  
Council,  
xvii. (1), 321.

House Jour-  
nal, p. 28.  
Province  
Laws, ii., 151,  
chap. 10.

Read and

*Ordered* that the Prayer of the Petition be granted, and the Petitioners the Fathers of the Children of the said Elisabeth and Jane for their full parts of the Estate are hereby fully authorized and empowered to join with the other Petitioners in the sale of the premisses, and pass and execute in due form of Law a good Deed or Deeds thereof to the Person or Persons who shall give most for the same; And in proceeding therein the Petitioners are directed to observe the rules of the Act of this Province of the sixth year of His late Majesty King George Chap. 3. relating to the sale of Real Estates; Provided the Petitioners the said

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 9.

Charles Chauncey and Addington Davenport give sufficient Bond to the Judge of Probate for the County of Suffolk to accompt for and pay the said Minors parts of the Produce & Interest thereof when they severally arrive at full age or by law the same shall become due and payable to them respectively. [*Passed December 12.*]

## CHAPTER 106.

ORDER ON THE PETITION OF SAM<sup>l</sup> BULLARD & OTHERS OF STOUGHTON IN REGARD TO THE TOWN BOUNDARY AND THE SUPPORT OF RICHARD DAGWORTHY.

Legislative  
Records of the  
Council,  
xvii. (1), 322.

House Jour-  
nal, pp. 25, 26.  
*Ante*, p. 489,  
chap. 29.

ON THE PETITION of Samuel Bullard and others Inhabitants of the Westerly Part of Stoughton, [*ante*, p. 489, chap. 29]

Read together with the Petition of divers Inhabitants of the Town of Dedham, and

*Ordered* that the Prayer of the Petition be so far granted as that the Line whereby a part of Stoughton were lately set off to the Southerly Precint in Dedham be the Bounds hereafter between the Towns of Stoughton and Dedham, and that Richard Dagworthy and his wife be supported at the charge of Stoughton till the twenty fifth of March next and afterwards by the Town of Dedham. [*Passed December 12.*]

## CHAPTER 107.

ORDER IMPOWERING THE TREASURER TO PAY THE BOUNTY ON FLAX AND HEMP IN WOODSTOCK.

Legislative  
Records of the  
Council,  
xvii. (1), 323.

House Jour-  
nal, p. 26.  
*Ante*, p. 420,  
chap. 145.

A CERTIFICATE sign'd by Cpt. Samuel Chandler Survey<sup>r</sup> of Hemp and Flax in the Town of Woodstock within the County of Worcester; on a list of the names of the Inhabitants of that Town who raised those Commodities the last year, with the respective Quantities by them raised :

Read and

*Ordered* that M<sup>r</sup> Treasurer Foye be and hereby is directed to pay to the Persons mentioned in the within List or their Order, the Premium arising by the law lately expired on Flax & Hemp agreeable to the within List, which has been duly certified by Samuel Chandler, the Town of Woodstocks Survey<sup>r</sup> as appears above. [*Passed December 12.*]

## CHAPTER 108.

ORDER ALLOWING 25/ TO BENJ. THORP.

Legislative  
Records of the  
Council,  
xvii. (1), 328.

House Jour-  
nal, p. 29.

A PETITION of Benjamin Thorp of Falmouth; Shewing that his house was lately burnt and consumed to ashes and that amongst other things he had bills of this Province to the value of Three pounds fifteen shillings in Bills of the Old Tenour, which were wholly destroyed in the said fire; And therefore Praying that he may be allowed the like sum out of the Publick Treasury.

Read and

*Ordered* that the sum of Twenty five shillings of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to the

Petitioner or his order, to make good to him the like value of the public Bills of the Province consumed with his house, by fire. [*Passed December 14.*]

## CHAPTER 109.

VOTE IMPOWERING THE SELECTMEN OF THE TOWN OF RUTLAND TO LEVY AND COLLECT A TAX OF ONE PENNY PER ACRE ON LANDS.

ON THE PETITION of Eleazar Ball and John Hubbard Agents of the Town of Rutland, [*ante*, p. 500, chap. 59]

Legislative  
Records of the  
Council,  
xvii. (1), 330.

Read, and it appearing that the Petitioners had attended the Order of the Court in notifying the Non Resident Proprietors within mentioned, and no answer given in :

House Jour-  
nal, p. 29.  
*Ante*, p. 500,  
chap. 59.

*Voted* that a tax of one penny per acre per annum be and hereby is granted and allowed to be assessed on the Proprietors of all the lands lying within the settling part of the said Town of Rutland belonging either to Residents or Non Residents for the space of three years next coming ; the money arising by said Tax to be well and seasonably applied and paid to the Reverend Minister of said Town for his better and more comfortable support, and the Assessors of said Town are impowered and enabled to make the Assessment ; and the Constables or Collectors are also required to collect and pay in the same for the use aforesaid accordingly. [*Passed December 14.*]

## CHAPTER 110.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON NO YARMOUTH AFFAIR, CONSTRUING CERTAIN WORDS.

WILLIAM DUDLEY Esq<sup>r</sup> from the Committee of both Houses on the Petition of the Proprietors of North Yarmouth, reported as follows : viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xvii. (1), 331.

That they had considered the same, & are of Opinion that in the report of the Committee of the Court in Feb<sup>y</sup> 1733, where the words Town Debts, Town Treasurer, Towns Use, and such expressions are mentioned, are intended and ought to be so understood construed taken and practiced on, as the Proprietors Debts, Proprietors Treasurer, Proprietors Use &c there being at that time no other than Proprietors and the whole affairs of North Yarmouth were carried on in their names and on their behalf, and they as such rated, and all the debts and credits arising from the Propriety only ; and therefore that the said Petition be fully granted.

House Jour-  
nal, pp. 151, 152  
(February,  
1733) : pp. 6, 38.  
Province  
Laws, xi., 797,  
chap. 224.

(Signed)

W<sup>m</sup> DUDLEY,  
JOHN SMITH.  
T<sup>m</sup> PROUT.

Read and

*Ordered* that this Report be accepted, and that the former Report of the Committee for North Yarmouth above referr'd to be corrected and amended accordingly, and that whatsoever is therein mentioned to refer to the Town of North Yarmouth or the Inhabitants thereof, be applied to the Propriety or Proprietors of said Place and be so construed and understood to all intents and purposes whatsoever, and that the Town or Inhabitants take no advantage therefrom. [*Passed December 16.*]



## CHAPTER 111.

## VOTE IMPOWERING THE ASSESSORS OF LAMBSTOWN TO LEVY AND COLLECT A TAX OF THREE HALF PENCE PER ACRE ON LAND.

Legislative  
Records of the  
Council,  
xvii. (1), 316,  
332.

House Jour-  
nal, pp. 20, 21,  
36, 37, 38, 39.  
Province  
Laws, ii., 971,  
chap. 18.  
*Ante*, p. 425,  
chap. 155.

A PETITION of Christopher Page in behalf of the Inhabitants of the Plantation called Lambstown, Praying in consideration of the great charges they have been at in building a Meeting House, settling a Minister &<sup>c</sup> and the smallness of their numbers, that they may be impowered to lay a tax of two pence per acre on all the lands in said Plantation for the space of five years for defraying the charges arising in said Place and that the said Plantation may be erected into a Town.

Read, together with the answer of Joshua Lamb Esq<sup>r</sup> and others, a Committee of the Proprietors and Non Residents of Lambstown, and the matter being maturely considered: In answer to this Petition;

*Voted* that the Assessors of the Plantation of Lambstown so called, are hereby allowed to levy an Assessment or Tax of three half pence per acre per annum for the space of three years next coming on all the lands therein belonging to the resident or Non resident Proprietors; the money arising thereby to be annually applied and paid, viz<sup>t</sup> One half thereof to the Rev<sup>d</sup> Minister there for his better encouragement, and more comfortable support; the residue for the building and finishing a handsome Meeting House for the better accommodation of the Inhabitants in attending the Publick Worship of God; and the Constables or Collectors of said Plantation for the time being during the said term are also hereby directed and required duly and seasonably to collect and pay in the sum of the said Tax annually for the uses and purposes aforesaid. And the Petitioner is further allowed and impowered to prepare and bring in a Bill for erecting the said Plantation into a Township that so the inhabitants thereof may be vested with, hold and enjoy, equal powers privileges and immunities with the inhabitants of the other Towns within the Province. [*Passed December 16.*]

## CHAPTER 112.

## ORDER REFERRING TO A BRIDGE OVER CHARLES RIVER.

Legislative  
Records of the  
Council,  
xvii. (1), 334.

House Jour-  
nal, pp. 23, 41.

A PETITION of John Stanniford of Boston Setting forth the great advantage to the Town of Boston in the Settlem<sup>t</sup> of the Western Part of the Town; proposing that a Bridge may be built over Charles River from that part of Boston to the Lieuten: Governors farm in Cambridge, & that if this Court do not think proper to undertake the charge, that they would allow subscriptions to be taken.

Read, and the subject matter of this memorial being maturely considered, and it being the opinion of this Court that a Bridge over Charles River in the most convenient place between Boston & Cambridge or Charlestown (if practicable) will be of publick advantage and conveniency; and for as much as it is represented that sundry persons are desirous, in case the Court shall not think fit to order the building of the said Bridge at the publick charge, to undertake the same at their own expence (with the leave of this Court) receiving of all Passengers a reasonable Toll:

*Ordered* that the Petitioner M<sup>r</sup> John Stanniford or any other person or persons disposed to undertake the said work, are hereby allowed and

leave is hereby given them to take subscriptions for the same, and at the next Session of this Court (to which time this Petition is referr'd) lay before the Court their proposals and terms on which they will perform the said work, therein mentioning the particular place where they propose to build and the advantages of that place above others; And that the Petitioner in the mean time serve the towns of Boston and Charlestown and the Corporation of Harvard College with copies of this Petition, that they then shew cause, if any they have, why the Prayer thereof should not be granted. [*Passed December 18.*]

## CHAPTER 113.

## ORDER CONFIRMING A PLAT OF 100 ACRES OF LAND TO JOS. SAWTELL.

A PLAT of One Hundred Acres of Land laid out by Josiah Willard Survey<sup>r</sup> and Chain Men on oath, to fulfill a grant of this Court to Josiah Sawtell, lying on the Westerly side of Connecticut River above Northfield; beginning at a Bass Wood Tree being the South East corner of a farm granted by this Court to Lunenburgh; thence West one Deg: South on the said farm, and Province land thirty poles to a Black Oak Tree standing about two feet to the South of the line, thence South 14° 30' East, three hundred and nine Poles on Province Land to a Pillar of Stones; thence East 7° 00' North, on the North line of Northfield one hundred and fifteen poles to a Stake on the bank of the River; thence up the river three hundred and thirty poles to the Bass Tree first mentioned.

Read & .

*Ordered* That the plat be Accepted and the Lands therein delineated and described be & hereby are confirmed to the said Josiah sawtell his heirs & assigns provided the plat exceeds not the quantity of the Grant & does not interfere with any former Grant. [*Passed December 18.*]

## CHAPTER 114.

VOTE IMPOWERING ROBT<sup>r</sup> AUKMUTY ESQ<sup>r</sup> TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Robert Aukmuty Esq<sup>r</sup> Setting forth his Services to the Province in the affair of the Line and other matters and praying for a grant of Province Land in consideration thereof.

*Voted* that two hundred acres of the Unappropriated Lands of the Province adjoining to Some former Grant be and hereby is given and granted to the pet<sup>r</sup> Robert Auchmuty Esq<sup>r</sup> his heirs and assigns in full Consideration of his Services within mentioned, and that he be allowed and Impowered to return a platt thereof by a Surveyor and Chain men on oath to this Court within twelve months for Confirmation. [*Passed December 19.*]

Legislative  
Records of the  
Council,  
xvii. (1), 334.  
Maps and  
Plans, Mis.,  
xii., 8.  
Maps and  
Plans, xii.,  
8 *ter.* Legisla-  
tive Records of  
the Council,  
xvii., Mis., 14.  
House Jour-  
nal, p. 9.  
*Ante*, p. 499,  
chap. 55.

Legislative  
Records of the  
Council,  
xvii. (1), 336.  
Mass.  
Archives, vi.,  
192.  
House Jour-  
nal, pp. 27, 31,  
40. *Ante*,  
p. 401, chap. 97.

## CHAPTER 115.

## VOTE ADJUSTING TAXES BETWEEN THE TOWNS OF CHILMARK AND TISBURY.

Legislative  
Records of the  
Council,  
xvii. (1), 336.

House Jour-  
nal, pp. 5, 38.  
*Ante*, p. 312,  
chap. 118.

A PETITION of William Hunt and Samuel Basset, Select Men of the Town of Chilmark in Dukes County: Shewing that whereas this Court were pleased to take off a number of Families from said Town and join them to Tisbury; but instead of increasing the publick Tax for Tisbury and reducing the tax of Chilmark, the Court have for the two last years by a casual mistake enlarged the tax of Chilmark and lessened that of Tisbury; Praying that the mistake may be rectified and Chilmark be relieved in the premisses.

Read and in answer to this Petition:

*Voted* that the sum of Fifty three pounds seventeen shillings and three pence be deducted out of the said town of Chilmarks proportion in the next Province Tax and added to the Town of Tisbury that so the mistake within mentioned may be rectified; and further that the Court of General Sessions of the Peace for the County of Dukes County be and hereby are directed in their next grant of any sum or sums of money for the service of the said County on the Inhabitants and Estate therein to make an Assessment on the said Town of Chilmark in the same proportion thereof as Fifty Pounds two shillings and six pence bears to One Hundred and seventeen pounds ten shillings, and that the Town of Tisbury be also assessed the same proportion thereof as Twenty seven pounds seven shillings and six pence bears to One Hundred and seventeen pounds ten shillings: these being the proportion those Towns bear to the Province Tax according to the present valuation. [*Passed December 19.*]

## CHAPTER 116.

## ORDER IMPOWERING EDWARD THOMAS TO BRING FORWARD A WRIT OF REVIEW WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (1), 304,  
337.

House Jour-  
nal, pp. 10, 50.

A PETITION of William<sup>1</sup> Thomas of Middleborô in the County of Plymouth: Shewing that one Francis Miller of said place brought his action of Review against the Petitioner at the Superior Court of Judicature for said County in April last, of an Action originally commenced by the said Miller at the Inferior Court of Common Pleas for said County and recovered Judgement against the Petitioner for Four pounds fifteen shillings damage and costs of Courts amounting to £49. 15. 3 more. And for as much as the cause of action set forth in the Writ was what the Petitioner did in the execution of his office as Constable of the said Town, and the Petitioner was necessitated to be out of the Province at the time of the Trial, and his Attorney neglected to put in some material evidences in the case: Therefore Praying for a new Trial of said cause at the next Superior Court for said County

Read together with the answer of Francis Miller, and the same being fully considered:

*Ordered* that the Prayer of the Petition be granted and the Petitioner is hereby allowed and empowered to bring forward and prosecute a Writ of Review of the Action of Review mentioned in the Petition at the next Superior Court of Judicature to be holden at Plymouth within and for

<sup>1</sup> The House Journal reads, "Edward."

the County of Plymouth on the third Tuesday of April next; the said Writ of Review to be served on the said Francis Miller fourteen days at least before the Sitting of the said Court; and the Justices of the said Court are hereby impowered and directed to hear and try the said cause by a Jury, enter up Judgement and award Execution accordingly: And Execution on the last Judgement is hereby staid, and that upon Judgement on the trial hereby allowed, the former Judgement is superseded and rendered null and void. [*Passed December 19.*]

## CHAPTER 117.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON SUFFIELD EQUIVALENT TOWNSHIP AND CONFIRMING 300 ACRES OF LAND TO FRANCIS WELLS AND JOHN FOYE.

THE COMMITTEE appointed to consider the Report of a Committee of this Honourable Court so far as it relates to the survey of Suffield equivalent Township; the Grant to M<sup>r</sup> Christopher Jacob Lawton; and also the Petitions of Francis Wells Esq<sup>r</sup> & M<sup>r</sup> John Foye &c upon mature consideration thereon report viz<sup>t</sup>

Legislative  
Records of the  
Council, xvii.,  
Mis., 16.  
Mass.  
Archives,  
cxiv., 192.

That the Plat of the said Township as set forth by Cap<sup>t</sup> William Chandler Surveyor &c, with all the lands therein delineated and described (exclusive of three hundred Acres granted to said Lawton) be accepted; and that the full contents of six miles square thereof & no more be confirmed to the original Grantees the proprietors of Suffield their heirs and assigns respectively in full satisfaction of that Grant, they performing the conditions thereof And upon inquiry into the petition of the said Wells and Foye, it appears to the Committee, that the said Petitioners were not knowing at the time of their purchase of any wrong or overplus measure in the former Survey of the said Township; and that the facts therein alledged are true and the taking away the overplus Land will intirely destroy the settlement of their several Divisions of Land, for a great deal of which they have passed Deeds with warranty. The Committee are therefore of opinion that the surplusage of the lands set forth in the plat more than the contents of the said six miles square, & the three hundred Acres granted to s<sup>d</sup> Lawton, be granted & confirmed to the said Francis Wells and John Foye their heirs & assigns respectively for ever, on condition they settle eighteen Families more on the lands set forth in said Plat in as full & ample manner and in all respects, and within the time limited for settling sixty families in the original grant to Suffield proprietors; and also that the said Wells and Foye do within two years pay into the publick Treasury the sum of fifty six pounds thirteen shillings & four pence of the New tenour Bills, or one hundred & seventy pounds of the Old tenour, into the publick Treasury to reimburse the charge of the Committee of the Court in Correcting this & other plats at or near Houssatonnoc.

Mass.  
Archives,  
cxiv., 185–192.  
Legislative  
Records of the  
Council,  
xvii. (1), 339.  
House Jour-  
nal, p. 45.  
*Ante*, p. 60,  
chap. 120;  
p. 464, chap.  
248.

All which is humbly submitted in the name & by order of the Committee.

January 13<sup>th</sup> 1737.

JOHN STODDARD

Read and

*Ordered* That this Report be & is hereby Accepted; and forasmuch as it appears that the petitioners Francis Wells Esq<sup>r</sup> and M<sup>r</sup> John Foye were not knowing at the time of their purchase of M<sup>r</sup> Christopher Jacob Lawton the Lands granted as an Equivalent to Suffield proprietors of any wrong or overplus Measure in the former survey of the said town-



ship, & that the Facts suggested in the petition of the said Wells & Foye are true & the taking away the Overplus Land will intirely destroy the Settlement of their several divisions of Land for a Considerable quantity of which they have passed Deeds with Warranty,

*Voted* therefore that the surplusage of the Lands set forth in the plat more than the Contents of six Miles square and the three hundred Acres granted to the said Lawton be and hereby are given granted & Confirmed to the said Francis Wells Esq<sup>r</sup> & M<sup>r</sup> John Foye their heirs & Assigns respectively for Ever in Answer to their petition to which this report is annexed, provided he or they settle Eighteen families [more on]<sup>1</sup> the Lands Set forth and described as the said plat in as full and Ample Manner in all respects & within the time limitted for settling sixty families by the Original Grant to suffield proprietors; and also that the petitioners Wells and Foye their heirs or assigns respectively do within two years pay into the pub[li]k treasury the sum of Fifty Six pounds thirteen shillings and four pence of the New tenour Bills to reimburse the Charge of the Committee of the Court in Correcting this plat of suffield Equivale[nt]<sup>1</sup> townships withiin mentioned, & other plats at or Near Houssatonnoe. [*Passed December 20.*]

## CHAPTER 118.

### VOTE ALLOWING £15. 10. 2 TO RIC<sup>d</sup> SPRAGUE.

Legislative  
Records of the  
Council,  
xvii. (1), 342.

House Jour-  
nal, pp. 44, 45.  
*Ante*, p. 210,  
chap. 194.

A PETITION of Richard Sprague; Praying for some allowance from this Court for his expence occasioned by a complaint of Matthew Ellis to the King and Council for the Petitioners destrayning on him for his Tax, as he was Constable of the Town of Malden.

Read and in answer to the Petition.

*Voted* that the sum of Fifteen pounds, nineteen shillings and two pence be granted and allowed to be paid out of the publick Treasury of the new Tenour Bills to the Petitioner Richard Sprague in full satisfaction of and to reimburse him for his time trouble and expence in defence of the affair within mentioned. [*Passed December 21.*]

## CHAPTER 119.

### ORDER CONFIRMING A PLAT OF 3,000 ACRES OF LAND TO THE HEIRS OF JOS. SCOTTOW DEC<sup>d</sup>.

Legislative  
Records of the  
Council,  
xvii. (1), 347.

House Jour-  
nal, pp. 49, 50.  
*Ante*, p. 230,  
chap. 238.

A PLAT of Seventeen Hundred Acres of Land laid out by Edward King Surveyor and Chain Men on oath in part to fulfill a grant made by this Court to the heirs of Joshua Scottow dec<sup>d</sup> (exclusive of 288½ acres lately laid out<sup>2</sup> to the heirs or assigns of Richard Wharton dec<sup>d</sup>) bounded as follows viz<sup>t</sup> Beginning at the Mouth of Rungamungamug<sup>3</sup> River on the North Easterly line of North Yarmouth Township. thence running along said Line North West four miles and one hundred and forty poles to a Stake; thence North East one mile and one hundred and forty poles to a Stake or Tree standing four miles distant on a south course from Pejebscot River; thence Eastwardly the course of said River so as to keep four miles distant on a South West course until it meet with or intersect a Line running South 27 Deg. West from Brunswick Fort; thence running South 25 Deg. East to Maquoit Bay;

<sup>1</sup> MS. mutilated. Inserted from Legislative Records of the Council, xvii. (1), 341.

<sup>2</sup> The plan of this grant has not been found.

<sup>3</sup> The House Journal, p. 49, reads, "*Bungumungamug.*"



thence bounded by said Bay and Rungamungamug<sup>1</sup> River to the Place first mentioned: together with Thirteen Hundred Acres of Land more adjoining to the Northwesterly End of said land; making in the whole Three Thousand Acres of Land.

Read and

*Ordered* that the two Plats of Land lying in the County of York in the Province of Main containing Three Thousand Acres of Land (exclusive of the Two Hundred Eighty eight Acres and one quarter lately laid out to the heirs or assigns of M<sup>r</sup> Richard Whatton dec<sup>d</sup>) be and hereby are accepted, and the lands therein delineated and described (exclusive of the said two hundred eighty eight acres and one quarter) are accordingly confirmed to the heirs, legal representatives, and descendents of the said Cpt Joshua Scottow late of Boston merch<sup>t</sup> dec<sup>d</sup> their Heirs and Assigns respectively for ever; Provided the Plats (exclusive as aforesaid) exceed not the quantity of Three Thousand Acres of land, and interferes not with any other or former grant. [*Passed December 23.*]

## CHAPTER 120.

### ORDER CONFIRMING 300 ACRES OF LAND TO CHRISTOPHER JACOB LAWTON WITH CONDITIONS.

A PETITION of David Ingersol of Westfield; praying that this Court would confirm to him Three Hundred Acres of Land lying on the road between Westfield and Sheffield, which was granted by this Court to Christopher Jacob Laughton on certain conditions & which the Petitioner has purchased of the said Laughton, and is ready to fulfill the conditions of the Grant.

Read; and in answer to this Petition

*Ordered* that the Grant of the Three Hundred Acres of Land within mentioned be and hereby is confirmed to the said Christopher Jacob Laughton<sup>2</sup> his Heirs and Assigns for ever; Provided he or they in the same way & manner comply with the conditions of the grant to all intents and purposes whatsoever within one year, and particularly that he build and finish a convenient Dwelling House to stand near the new Road at the North end of the granted premisses, for the accommodation of Travellers, of the dimensions expressed in the former grants. [*Passed December 23.*]

Legislative  
Records of the  
Council,  
xvii. (1), 348.

House Jour-  
nal, p. 46.  
Province  
Laws, xi., 684,  
chap. 83.  
*Ante*, p. 60,  
chap. 120.

## CHAPTER 121.

### ORDER IMPOWERING AND<sup>w</sup> ABRAHAM INDIAN, TO SELL REAL ESTATE.

A PETITION of Andrew Abraham of Grafton, Indian, Praying that he may be allowed to sell six or seven acres of land lying on the East side of Blackstones River, that he may employ the proceeds thereof for the building a house after the English manner for his comfort

Read, and

*Ordered* that the within Petition be revived, and that the Prayer of the Petition be granted, and the Petitioner is hereby allowed and

Legislative  
Records of the  
Council,  
xvii. (1), 242,  
350.

House Jour-  
nal, p. 70.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> The House Journal, p. 49, reads, "*Bungamungamug.*"

<sup>2</sup> In Legislative Records of the Council, xvii. (1), 349, the name "Christopher Jacob Laughton" is underlined and a marginal note reads, "Sic, q to Ingersol." The 300 acres had already been confirmed to Laughton on December 4, 1734.

impowered to make sale of the seven acres of Land within mentioned for the most the same will fetch, and to pass and execute in due form of law a good Deed of Sale thereof to the person so purchasing the same; and in proceeding therein to observe the rules in the Act of the Province of the Sixth year of the reign of His late Majesty King George Chap. 3. relating to the sale of real estates; And William Ward Esq<sup>r</sup> is hereby desired and impowered to be aiding and assisting to the Petitioner and see justice done him in the sale of the premises, and that the proceeds thereof be duly and truly applied for and towards building and finishing a convenient Dwelling House for the Petitioner, but if any surplusage should remain, that he disburse the same for the use of the Petitioner for his support and his familys; as occasion may call for. [*Passed December 27.*]

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## CHAPTER 122.

### VOTE ALLOWING £150. 18. 3 TO FAITH RUSSEL.

Legislative  
Records of the  
Council,  
xvii. (1), 351.

House Jour-  
nal, pp. 35, 51,  
52. *Ante.*  
p. 408, chap.  
114.

A MEMORIAL of M<sup>rs</sup> Faith Russel late Wife of Arthur Savage Esq<sup>r</sup> dec<sup>d</sup> Shewing that she has been at great expence to defend before the King in Council, her right by the laws of this Province to a part of the estate of her late brother Henry Phillips dec<sup>d</sup> against the demands of her brother Gillam Phillips Esq<sup>r</sup> and has obtained such an Order of the King and Council, as will be of great advantage to this Province, because it does in effect confirm the law upon which the Intestate Estates of the Province are settled. And for as much as the charge of this Trial (being £190. 18. 2 Sterl:) is much more than the value of the Petitioners part of the Estate recovered; therefore Praying that the said charges may be paid out of the Publick Treasury:

Read, and Whereas it appears that the several Articles refer'd to in the within Petition have arisen in the Petitioners defence in securing and confirming her own property as well as the rest of her brother Henrys heirs in and to his estate, and so it is but reasonable they should be at part of the expence therein viz<sup>t</sup> the sum of Forty Pounds sterling; And forasmuch as the within mentioned petition of Appeal very nearly touches one of the fundamental laws of this Province and the Inheritances of the greatest part of His Majestys good subjects are so much affected by His Majestys favourable Determination of the point then in controversy. And this Court having directed M<sup>r</sup> Agent Wilks to assist Richard Partridge Esq<sup>r</sup> Agent to the Petitioner &<sup>c</sup> to press this matter in favour of the said deceaseds heirs, in pursnit whereof he has already disbursed the greatest part of the said Expence:

*Voted* therefore that the remainder of the said Charge amounting to the sum of One Hundred and Fifty Pounds eighteen shillings and three pence sterling, be granted and allowed to be paid to the Petitioner M<sup>rs</sup> Faith Russel (late Savage) the better to enable her to discharge so much of the acc<sup>t</sup> of Richard Partridge Esq<sup>r</sup>. [*Passed December 27.*]

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## CHAPTER 123.

### ORDER IMPOWERING JOS. BARRET TO FILE AN APPEAL.

Legislative  
Records of the  
Council,

A PETITION of Joseph Barret of Concord, Shewing that he appealed to the Govern<sup>r</sup> and Council from an Order of the Judge of the Probate

of Wills for the County of Worcester for his purging himself by Oath of the concealment of a Deed &c but by reason of the sickness and death of his wife he omitted to file his reasons of Appeal in time according to Law; And therefore praying that he may be impowered to file his reasons and prosecute his Appeal, notwithstanding his said omission.

Read together with the answer of Sarah Barret, and the same being fully considered

*Ordered* that the Prayer of the Petition be granted and the Petitioner Joseph Barret is hereby allowed to file his reasons of appeal in the Registers Office of the Court of Probate for the County of Worcester and prosecute the same accordingly; Provided he do it within two months from this time. [*Passed December 28.*]

xvii. (1), 317,  
353.  
House Jour-  
nal, pp. 23, 71.

## CHAPTER 124.

### VOTE IMPOWERING WILL<sup>M</sup> HIX TO MAINTAIN A TOLL BRIDGE OVER THE ATUXET RIVER.

A PETITION of William Hix of Dartmouth; Shewing that he has at his own charge built a commodious Bridge over Atuxet River<sup>1</sup> in said town, which is in the most convenient place and much for the benefit of travellers as well as for the said Town; And therefore Praying that this Court would confirm and establish the same as a Toll Bridge to him and his heirs.

Read & Foras much as this Court at this distance can't well find upon whom the Charge of the Bridge ought to rest,

*Voted* that for the present the Petitioner be & hereby is allowed & impowered to demand & take the same Toll for Passage over it as he was lately allowed for Ferrage over the same River, he keeping the Bridge in good Repair, And this to continue till further Order from this Court. [*Passed December 28.*]

Legislative  
Records of the  
Council,  
xvii. (1), 353.  
Mass.  
Archives,  
cxxi., 237.

Mass.  
Archives,  
cxxi., 235.  
House Jour-  
nal, pp. 29, 33.  
*Ante*, p. 483,  
chap. 13.

## CHAPTER 125.

### ORDER CONFIRMING A PLAT OF 250 ACRES OF LAND TO JOHN ALDEN ESQ<sup>R</sup>.

A PLAT of Two Hundred and Fifty Acres of Land laid out by Abner Lee, Surveyour and Chain men on Oath to fulfill a grant made to John Alden Esq<sup>r</sup> Beginning at a Stake and Stones on the West Line of the Township of Housatanuck; thence running West 11. Deg. North two hundred and seven rods to a Black Oak Tree and Stones; thence South 11. Deg. West two hundred and seven rods to a Stake and Stones; thence East 11. Deg: South two hundred and seven rods to a Stake & Stones which stands on the West Line of Housatanuck aforesaid, thence North 11 Deg. East on the said Line to the place first mentioned.

Read and

*Ordered* that the Plat be accepted and the lands therein delineated and described be and hereby are confirmed to the said John Alden Esq<sup>r</sup> his heirs and assigns for ever in full satisfaction of the grant within mentioned; Provided the Plat exceeds not the quantity of two hundred and fifty acres of Land with the allowance, nor interferes with any former grant. [*Passed December 28.*]

Legislative  
Records of the  
Council,  
xvii. (1), 354.  
House Jour-  
nal, p. 55.  
*Ante*, p. 384,  
chap. 55.

<sup>1</sup> The House Journal, p. 29, reads, "Accoxet River."

## CHAPTER 126.

## ORDER IMPOWERING THE BOSTON SELECT MEN TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (1), 325,  
357.

House Jour-  
nal, pp. 29, 30,  
73.

A PETITION of the Select Men of the Town of Boston Shewing that by mistake they have lapsed the time limited by law for bringing their Writ of Review of an Action originally prosecuted by Ichabod Paddock and Elisabeth his Wife one of the heirs of James Everil dec<sup>d</sup> against the said town to recover a third part of a shop in the possession of John and Richard Billing; And therefore Praying that this Court would empower them to bring their Writ of Review to the Superior Court to be held at Boston in February next.

Read, and

*Ordered* that the Prayer of the Petition be granted and the Petitioners are hereby empowered to bring forward their Writ of Review of the Action within mentioned, at the Superior Court of Judicature to be held at Boston for the County of Suffolk in February next; and the Justices of the said Court are accordingly empowered and directed to hear and determine the said action, give Judgement therein and award Execution thereupon, altho the time by law for bringing forward Writs of Review be elapsed. [*Passed December 29.*]

## CHAPTER 127.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF DIVERS INHAB<sup>S</sup> OF GLOUCESTER FIRST PARISH AFFAIR, WITH STAY OF PROCEEDINGS.

Legislative  
Records of the  
Council,  
xvii. (1), 297,  
361. Mass.  
Archives,  
ccxliii., 42

Mass.  
Archives, xl.,  
508, 526. Legis-  
lative Records  
of the Council,  
xvii. (1), 322;  
*ibid.*, Misc., 12.  
House Jour-  
nal, pp. 6, 7, 24,  
77.

A PETITION of Nath<sup>l</sup> Coite, Joseph Allen Esq<sup>r</sup> and a great number of others inhabitants of the first Parish in Gloucester; Shewing that eight of the Inhabitants of said Parish have presumed, without any leave from the Parish to erect a New Meeting House in an inconvenient place and that the said Parish have lately accepted of the said House for the publick Worship of God, which will be extreamly inconvenient to the Petitioners; And therefore Praying that they may be set off and constituted a separate and distinct Preeinct.

In Council

Read together with the Answers of the Town and of the first Parish in Gloucester, and other Papers in the Case. And

*Ordered* That Ebenezer Burrill & Benjamin Lynde jun<sup>r</sup> Esq<sup>rs</sup> with Such as Shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to repair to the first Parish in Gloucester view the Same as well as Such other Parishes there as they Shall judge necessary & hear the Parties concerned; And report their Opinion of what may be proper for this Court to do thereon at the next May Session; And all other Proceedings on the Said Affair are hereby ordered to be Staid in the mean Time

In the House of Representatives Read and Concur'd and John Wainwright Esq<sup>r</sup> M<sup>r</sup> Rowland Cotton & Cap Gyles Russell are joined in the Affair.<sup>1</sup> [*Passed December 30.*]

<sup>1</sup> At the hearing on June 20, 1739, House Journal, p. 54, this petition was dismissed.



## CHAPTER 128.

## ORDER ALLOWING 6/ 8 TO JOHN BARSTOW.

AN AFFIDAVIT of John Bastow, Charles Brown and Pêter Brown referring to the casual burning of 6/ 8 in a Bill of this Province of the new Tenour, sworn before William Dudley Esq<sup>r</sup>

Legislative  
Records of the  
Council, xvii. (1), 364.

Read and

House Jour-  
nal, p. 80.

*Ordered* that M<sup>r</sup> Treasurer Foye be directed to deliver a Six Shilling and Eight penny Bill of the new Tenour to M<sup>r</sup> Joseph Bosworth for the use and behoof of the said John Bastow to make<sup>1</sup> good his said loss. [*Passed January 3.*]

## CHAPTER 129.

## ORDER ON THE PETITION OF PETER LAWRENCE AND OTHERS TO BE SET OFF FROM GROTON AND ANNEXED TO LITTLETON.

A PETITION of Peleg<sup>2</sup> Lawrence & divers others Inhabitants and Proprietors of Lands in the Town of Groton, Shewing that they are more conveniently situated for the Town of Littleton than Groton; and therefore Praying that they and their Estates may be set off to Littleton.

Legislative  
Records of the  
Council, xvii. (1), 324,  
366. Mass.  
Archives, cxv.,  
175.

Read together with the Answer of Nathanael Sartell Esq<sup>r</sup> Representative for the Town of Groton, which being considered;

Mass.  
Archives, cxv.,  
174. House  
Journal, pp. 32,  
86.

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioners with their Families & Estates within the Bounds mentioned in the Petition be & hereby are Set off from the Town of Groton and are annexed to & hereafter accounted as part of the Town of Littleton there to do duty & receive Privilege Accordingly. [*Passed January 4.*]

## CHAPTER 130.

ORDER SUBSTITUTING CHARLES PIERCE ESQ<sup>R</sup> FOR BENJAMIN PRESCOT ESQ<sup>R</sup> AND THOMAS BERRY ESQ FOR JOHN STODDARD ESQ<sup>R</sup> ON THE COMMITTEE ON ASHUELET LOWER TOWN AFFAIR.

In the House of Rep<sup>ves</sup>

*Ordered*, That Charles pierce Esq<sup>r</sup> be Added to the Committee on the petition of Mess<sup>rs</sup> Hammond and Jones in behalf of the proprietors of the lower Ashuelot township praying for relief on Account of the interfering of Arlington township so called with the petitioners township, Appointed the last Session of the Court, Benjamin prescot Esq<sup>r</sup> one of the said Committee being Since deceased

Legislative  
Records of the  
Council, xvii.,  
Mis., 26. Mass.  
Archives,  
cxiv., 260.

In Council

Read & Concur'd. And Thomas Berry Esq<sup>r</sup> is added to the Said Committee in the Room of John Stoddard Esq<sup>r</sup> who has excused himself from that Service,

Legislative  
Records of the  
Council, xvii. (1), 366.  
House Jour-  
nal, pp. 79, 90,  
91. *Ante*,  
p. 403, chap. 41.

In the House of Rep<sup>ves</sup>

Read & Concurd. [*Passed January 5.*]

<sup>1</sup> The House Journal, p. 80, reads, "make."

<sup>2</sup> The House Journal, p. 86, reads, "*Peter*."



## CHAPTER 131.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF BENJ<sup>N</sup> TARR &<sup>C</sup> OF GLOCESTER FOR RELIEF FROM TAXATION FOR SUPPORT OF THE MINISTRY.

Legislative  
Records of the  
Council,  
xvii. (1), 370.  
Mass.  
Archives, xi.,  
503.

A PETITION of Benjamin Tax<sup>1</sup> and others Inhabitants of the Easterly part of the First Parish in Glocester; Setting forth their difficulties in attending the publick Worship, Praying that they may be set off from the said Parish.

Read &

Mass.  
Archives, xi.,  
502. House  
Journal, p. 89.  
*Ante*, p. 479,  
chap. 3; p. 530,  
chap. 127.

*Ordered* That the Committee Appointed by this Court on the Petition of Capt Nath<sup>l</sup> Coit & others Inhabitants of the first Parish in Glocester when they Shall repair to Glocester that they view the Situation & Circumstances of these Petitioners As also take this Petition under Consideration, and make Report of what they may judge proper for this Court to do thereon at the next May Session. [*Passed January 5.*<sup>2</sup>

## CHAPTER 132.

ORDER ON MARSHFIELD INHABITANTS PETITION TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (1), 374.  
Mass.  
Archives, xii.,  
459.

ON THE PETITION of Nathaniel Eames and others Inhabitants of the Northerly Part of Marshfield [*ante*, p. 367, chap. 18];

Read & revived & in Answer to the with<sup>n</sup> Petition

House Jour-  
nal, p. 91.  
*Ante*, p. 367,  
chap. 18.

*Ordered* that the Pet<sup>rs</sup> with such others with in the Bounds hereafter mentioned as shall before the first day of March next enter their Names with Nathaniel Eames (one of the Petitioners) to signify their being willing to join with the Petitioners for erecting a separate Precinct with their Families & Estates be & hereby are constituted a separate & distinct Precinct, & have & enjoy the Powers Priviledges & Immunities which other Precincts in this Province do & ought to enjoy, the List of such Subscribers to be returned to this Court at their next Session; & that the said Nath<sup>l</sup> Eames be & hereby is impowered to convene the s<sup>d</sup> Inhabitants of the said Precinct to meet at some convenient Place with in the same sometime between the first & tenth of March next to chuse Precinct Officers for the Year 1739 & to agree upon Methods for calling Precinct Meetings for the future; The Bounds of the said Precinct to be as follows viz<sup>t</sup>, beginning at the South River so called & to run on the Line or Boundary between Thomas Philips & William Sherman to the road that leads from Phillip's House to Marshfeild Mill; then on said Road 'till it comes to a Town or Private way laid out by the Select men of Marshfeild; then on said way 'till it comes to Pembroke road so called, then on said road till it comes to the Bounds between Marshfeild and Pembroke; then to run so as to include the whole of the two miles so called; & from the said two miles upon the North River down Stream untill it comes to the Mouth of the before mentioned South River, then up the same to the Bounds first Mentioned; And that the Said Inhabitants be vested with all such Powers & Priviledges as the other Precincts with in this province are or by Law ought to be vested with. [*Passed January 6.*<sup>3</sup>

<sup>1</sup> The House Journal reads, "*Tarr.*" See also *ante*, p. 479, chap. 3.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (1), the date is January 8.

<sup>3</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 9.

## CHAPTER 133.

## ORDER CONFIRMING A PLAT OF A TOWNSHIP, TO JOHN HUNT JONAS CLARK JOHN WENDELL AND OTHERS.

A PETITION of John Hunt Esq<sup>r</sup> and others; Shewing that about twenty years since they purchased by several Deeds and at different times sundry tracts of land at a place called Bedford in the County of Hampshire, of M<sup>r</sup> Atherton Mather, the title of which (as they are informed) has been acknowledged and allowed by this Government in the Settlement of the Divisional Line with Connecticut in the year 1713 (a Plat of which Land is herewith presented) Praying that this Court would confirm the said Purchases.

Read, and forasmuch as it appears that Twenty Three Thousand and Forty Acres, part of the land described in the Plat refer'd to, in, and exhibited with, this Petition, were formerly the estate of one Toto an Indian Captain and by him sold in the year 1686 to one James Cornish, who together with one William Fuller in the year 1713 sold the same to M<sup>r</sup> Atherton Mather, that the said Cornish's interest in the Premises was confirmed in the year 1713 by His Excellency Govern<sup>r</sup> Dudley and Elisha Hutchinson and Isaac Addington Esq<sup>rs</sup> impowered by this Province and the Hon<sup>ble</sup> Govern<sup>r</sup> Saltonstal and William Pitkin and William Whiting Esq<sup>rs</sup> impowered by the Colony of Connecticut for the aforesaid purpose; that the said Mather sold the premises together with other adjacent land to the Petitioners or those under whom they claim, who gave large purchase Considerations therefor; And altho' the said Mather sold the whole of the land described in the said plats; yet it does not appear that the said Mather had any right so to do, of which nevertheless the Petitioners were at the time of their respective purchasers altogether ignorant; that the Purchasers supposing the said Mathers Title to be good have already settled some Families on the premisses and do propose to settle more, build a Meeting House &c

Wherefore

*Voted*, That the land mentioned & described in the aforesaid Platt, Viz' so far as the same does not interfere with any former Grant be confirmed to the Persons therein mentioned and to their respective heirs forever according to the proportion therein sett to each person. UPON CONDITION, the persons Mentioned in said Platt do within the Term of three Years from the end of the present Session of this Court, build so many dwelling houses thereon of eighteen feet Square & seven feet Stud at the least as shall with what are already built, make Seventy in the whole, and have seventy Familys settled therein, and for each of the said Familys have six Acres of Land brought to and ploughed or brought to English Grass, & fitted for mowing; and do also within said time build a Meeting house for the Publick Worship of God & Settle a learned Orthodox Minister. [*Passed January 8.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (1), 408.  
Mass.  
Archives,  
CNV., 759.

Legislative  
Records of the  
Council, xvii.,  
Mis., 26.  
Mass.  
Archives,  
cxiv., 289.  
House Jour-  
nal, pp. 44, 88,  
94. Province  
Laws, ix., 328,  
chap. 136.

## CHAPTER 134.

ORDER WITH NOTICE REFERRING SAM<sup>l</sup> SMITHS PETITION, FOR A NEW TRIAL OF AN ACTION.

A PETITION of Christopher Jacob Loughton Attorney to Samuel Smith of Sheffield; Shewing that one Samuel Dwight of Somers in the County

Legislative  
Records of the  
Council,  
xvii. (1), 373.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to *ibid.*, xvii. (1), the date is January 19, and to the House Journal, January 9.

House Journal, pp. 46, 47.

of Hampshire brought an Action of Debt against the said Smith at the Inferior Court of Common Pleas for the said County held in May last, when Judgement was given against him for £349. 7. 9 and cost; from which he appealed to the next Superior Court, and gave in his Reasons of Appeal; but they being misdirected the Appeal was quashed; And therefore Praying that the said Smith may be enabled to file his Reasons of Appeal a new and have a Trial at the next Superior Court for the said County.

Read and

*Ordered* that the Memorialist or his Constituent serve the adverse party the said Samuel Dwight with a Copy of the Memorial that he shew cause if any he have on the first Thursday of the next Sitting of the Court why the Prayer thereof should not be granted; and the Petition is referred for consideration in the mean time. [*Passed January 9.*]

## CHAPTER 135.

ORDER ON THE PETITION OF EZRA MORSE AND JOSEPH MORSE TO BE SET OFF FROM WALPOLE AND ANNEXED TO DEDHAM.

Legislative Records of the Council, xvii. (1), 308, 376.

House Journal, pp. 20, 94, 95.

A PETITION of Ezra Morse and Joseph and Ezra Morse of Walpole; Shewing that they were set off from Dedham and included in the Town of Walpole contrary to their wills, and much against their interest; and therefore Praying that they and their families and estates be set back to Dedham and placed in the South Precinct there as to the ministerial charge.

Read, and

*Ordered* that the Prayer of the Petition be granted and the Petitioners with their Estates be and hereby are set off from the Town of Walpole and annexed to the Town of Dedham, there to do duty and receive Privilege and to the South Precinct in Dedham with respect to duty and Privileges of the Ministry. [*Passed January 9.*]

## CHAPTER 136.

ORDER WITH NOTICE ON THE PETN OF SEVERAL PROPRIETORS OF DUNSTABLE & GROTON.

Legislative Records of the Council, xvii. (1), 326, 376. Mass. Archives, cxiv., 270.

Mass. Archives, cxiv., 268. House Journal, pp. 26, 27, 32, 86, 87.

A PETITION of William Colburn & others Inhabitants and Sammel Brown and others Proprietors of Lands on the Westerly side of Dunstable and Northerly side of Groton; Shewing that many of the Petitioners live at a great distance from the places of Publick Worship; And therefore Praying that the said lands may be made a separate Township.

In Council [as amended and passed by the House of Representatives]

Read and

*Ordered* that the further Consideration of this petition be referred to the first tuesday of the next May Session [and that in the mean time]<sup>1</sup> James Minot and John Hobson Esq<sup>rs</sup> with Such as the Honourable Board shall joine be a Committee at the Charge of the petitioners to repair to the Lands petitioned for to be Erected into a Township first giving Seasonable notice as well to the petitioners as to the Inhabitants and Non resident proprietors of Lands within the s<sup>d</sup> Towns

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (1), 377.

of Dunstable and Groton of the time of their going by Causing the Same to be publish'd in the Boston Gazette, that they Carefully View the s<sup>d</sup> Lands as well as the other parts of the s<sup>d</sup> Towns, so farr as may be desired by the Partys or thought proper, that the Petitioners and all others Concerned be fully heard in their pleas and Allegations for, as well as against the prayer of the Petition; and that upon Mature Consideration on the whole the Committee then report what in their Opinion may be proper for the Court to do in Answer thereto

In Council

Read and Concurred and Thomas Berry Esq<sup>r</sup> is joined in the Affair.  
[*Passed January 9.*

## CHAPTER 137.

ORDER ALLOWING STEPHEN HERRINGTON THE PREMIUM FOR TWO WOLVES KILLED.

A PETITION of Stephen Herrington of Lambstown; Praying to be allowed the Premium for the killing two Wolves, which he took in his trap, but by reason of the Wolves carrying the Trap away so that he could not find it in a fortnight, the Wolves ears were eaten off, so that he could not obtain a legal certificate.

Read and

*Ordered* that the Premium by law allowed for taking or killing two Wolves be and hereby is granted to be allowed and paid out of the publick Treasury to Joseph Dwight Esq<sup>r</sup> for the use and behoof of the Petitioner in full. [*Passed January 9.*

Legislative  
Records of the  
Council, xvii. (1), 377.

House Jour-  
nal, p. 55.  
Province  
Laws, ii., 842,  
chap. 23.

## CHAPTER 138.

ORDER ALLOWING £6. 13. 4 TO ROBT WILSON.

A PETITION of Robert Wilson; Praying for some further allowance from this Court for his relief in consideration of the wounds he received in the publick service, which have disabled him from doing any thing for his support and livelihood.

Read & in Answer to this petition

*Ordered* That the sum of Six pounds thirteen shillings & four pence of the New tenour bills be granted & allowed to be paid out of the publick treasury to M<sup>r</sup> Thomas Cushing Jun<sup>r</sup> for the pet<sup>rs</sup> Use, by him to be paid & Applied for his relief & support as the Occasion may call for in Consideration of the Misfortunes he recieved by the Wounds & within mentioned. [*Passed January 10.*

Legislative  
Records of the  
Council, xvii. (1), 379.  
Mass.  
Archives,  
lxxii., 473.

Mass.  
Archives,  
lxxii., 472.  
House Jour-  
nal, p. 80.  
*Ante*, p. 441,  
chap. 192.

## CHAPTER 139.

ORDER FOR A TOWN MEET<sup>g</sup> AT CHELSEA.

*Ordered*, That Samuel Watts Esquire a Principal Inhabitant of a New Town lately Erected Out of the Town of Boston in the County of Suffolk Called Chelsea be, and hereby is fully Authorised and Im-  
powered to Assemble the Freeholders and Other Qualified Voters there,

Legislative  
Records of the  
Council, xvii.,  
Mss., 29. Mass.  
Archives,  
cxiv., 316.

Legislative  
Records of the  
Council,  
xvii. (1), 382.  
House Jour-  
nal, p. 99.



Province  
Laws, ii., 969,  
chap. 17.  
*Ante*, p. 484,  
chap. 17.

On the first Monday in March next in some convenient Public Place in said Town, in Order to their Chusing A Town Clerk and Other Town Officers for the Year then next ensuing. [*Passed January 11.*]

## CHAPTER 140.

### ORDER FOR A TOWN MEET<sup>g</sup> AT HARDWICK.

Legislative  
Records of the  
Council, xvii.,  
Ms., 28. Mass.  
Archives, cxiv., 313.

Legislative  
Records of the  
Council,  
xvii. (1), 382.  
House Jour-  
nal, p. 99.  
Province  
Laws, ii., 971,  
chap. 18.  
*Ante*, p. 522,  
chap. 111.

*Ordered*, That Mr. Christopher Paige a Principal Inhabitant of a New Town lately Erected at a Plantation called Lambs Town in the County of Worcester by the Name of Hardwicke be, and hereby is fully Authorised and Impowered to Assemble the Frecholders and Other Qualified Voters there, On the First Monday in March next in some convenient Public Place in said Town, in Order to their Chusing a Town Clerk and other Town Officers for the year then next ensuing. [*Passed January 11.*]

## CHAPTER 141.

### ORDER GRANTING 200 ACRES OF LAND TO REV<sup>d</sup> M<sup>r</sup> JER. WISE.

Legislative  
Records of the  
Council,  
xvii. (1), 384.

House Jour-  
nal, p. 60  
(June, 1738);  
p. 18.

A PETITION of M<sup>r</sup> Jeremiah Wise of Berwick, Clerk, Setting forth his services in the late Wars against the Indians as Chaplain and Physician to the Forces; And Praying in consideration thereof, a Grant of some of the unappropriated Land of the Province.

Read and

*Ordered* that the Petition be revived, and in answer thereto

*Voted* that Two Hundred Acres of the unappropriated Lands of the Province be granted to the Petitioner his Heirs and Assigns in full consideration of his services and sufferings as within mentioned, and that he return a Plat thereof to this Court, by a Surveyour and Chain Men on Oath, within twelve months for confirmation. [*Passed January 11.*]

## CHAPTER 142.

### ORDER ACCEPTING THE COMMITTEE'S REPORT RESPECTING MILLS & DAM AT NEWTON WESTON NEEDHAM NATICK AND WATERTOWN.

Legislative  
Records of the  
Council, xvii.,  
Ms., 33. Mass.  
Archives, lix.,  
311.

Mass.  
Archives, lix.,  
310. Legisla-  
tive Records  
of the Council,  
xvii. (1), 434.  
House Jour-  
nal, p. 103.  
*Ante*, p. 492,  
chap. 38.

THE COMMITTEE appointed on the Petition [*ante*, p. 492, chap. 38] of divers of the Inhabitants of Newton, Weston, Needham Natick & others having met and heard all Parties, and finding that there is a sufficiency of Water that usually runs over the Dam and Waist in the Spring season to give passage to the Fish up the River, without prejudice to the Mills, without raising the Dam or putting up those loose Stones, which the Ice in the Spring Season throws down Are of Opinion, That the proprietors of the said Mills, Be ordered & directed to permit the said Dam and Waist to remain in the State and Condition w<sup>th</sup> the Winter Season yearly leaves it in, And that neither the proprietors or any other person be permitted to Repair or put up the Stones thrown down as commonly by the Ice untill the first day of May annually. Unless thro' Great Scarcity of Water, there should not be



sufficient for the Mills Use; That then the proprietors of said Mills do apply to the Select-men of the Towns of Watertown & Newton and signify to them, That for want of Water for the Mills, there is a Necessity to raise the Dam or Waist or Both: Whereupon the aforesaid Selectmen be directed forthwith or within forty eight Hours, to repair to said Mills, And upon their or any five of them adjudging it necessary for the said Mills, That the Dam or Waist or Both, be raised, And signifying the same under their Hands: That then the said Proprietors be Allowed to raise said Dam & Waiste as usual; Otherwise not till the first day of May as aforesaid.

All which is humbly Submitted in the name of the Committee  
Read &

*Ordered* That this Report be Accepted. [*Passed January 12.*<sup>1</sup>

## CHAPTER 143.

ORDER APPOINTING A COM<sup>TEE</sup> TO TAKE SUBSCRIPTIONS FOR THE  
£60,000 LOAN.

In the House of Represent<sup>ves</sup>

*Ordered* that M<sup>r</sup> Hutchinson, M<sup>r</sup> Cushing, John Read and Samuel Sewall Esq<sup>rs</sup> M<sup>r</sup> Webb and Ezekiel Chever Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> Board be a Committee to receive in the Recess of the Court, the Names of such Persons as are willing to subscribe for (and how much they will take of) the Sixty Thousand Pounds Bills of Credit proposed to be emitted and redeemable by Silver and Gold; the Committee to Report their doings to this Court at their next Sitting.

In Council, Read and Concur'd & Thomas Hutchinson John Jeffries, Jacob Wendell, Samuel Welles and Richard Bill Esq<sup>rs</sup> are joined in the affair. [*Passed January 13.*

Legislative  
Records of the  
Council,  
xvii. (1), 388.

Legislative  
Records of the  
Council,  
xvii. (1), 386,  
387. House  
Journal,  
pp. 103, 104.

## CHAPTER 144.

ORDER CONFIRMING A PLAT OF THE NARRAGANSET TOWNSHIP N<sup>o</sup> 4.

A PLAT of a Tract of Land containing Twenty Three Thousand and Forty Acres (exclusive of six hundred Acres within the Tract formerly granted to [*Nathanael*]<sup>2</sup> Colnan) laid out by Nathaniel Kellog Survey<sup>r</sup> and Chain men on Oath to fulfill a Grant of this Court to the Narraganset Soldiers, being the Township Number Four; Being bounded as follows: viz<sup>t</sup> East on Hatfield, North South and West on unappropriated Lands of the Province, Beginning at a Hemlock Tree nine miles West of Connecticut River in the Line between Hatfield and Deerfield, supposed to be Hatfield North West Corner; thence running West 2,160 perch to a small Beach Tree mark'd ♂ on the East and South sides; thence South 1,880 perch to a Hemlock Tree marked ♂ on the West and North sides; thence East 1,880 perch to a Chesnut Tree mark'd ♂ on the West and North side; thence North 90 deg. East to the first mentioned Hemlock Tree.

Read and

*Ordered* That the plat be Accepted and the Lands therein delineated

Legislative  
Records of the  
Council,  
xvii. (1), 390.  
Maps and  
Plans, Mis.,  
xii., 7.

Maps and  
Plans, Mis.,  
xii., 7. Legis-  
lative Records  
of the Council,  
xvii., Mis., 32.  
House Jour-  
nal, p. 104.  
*Ante*, p. 187,  
chap. 144.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to *ibid.*, xvii. (1), the date is January 26.

<sup>2</sup> Inserted from the House Journal, p. 104.

and described (exclusive of Colmans Six hundred Acres[<sup>1</sup>])<sup>1</sup> be and hereby are confirmed to the proprietors of the Narraganset township Number Four and the other Grantees therein mentioned their Heirs and Assigns respectively for Ever, they effectually complying with the Conditions of the Grant to all Intents & purposes what so ever, provided the plat exceeds not the quantity of twenty three thousand six hundred and forty Acres, and interferes not with any former Grant. [*Passed January 13.*]

## CHAPTER 145.

### ORDER CALLING A TOWN MEETING AT COLD SPRING.

Legislative  
Records of the  
Council, xvii. (1), 392.  
Mass.  
Archives, xi.,  
506.

Mass.  
Archives, xi.,  
505. Legislative  
Records of the  
Council, xvii.,  
Mis., 33.  
House Journal,  
pp. 100, 101.  
*Ante*, p. 454,  
chap. 226.

A PETITION of Ebenezer Bridgeman and others Inhabitants of the Plantation called Cold Spring,<sup>2</sup> Praying that they may be vested with the Powers and Privileges of a Township for the better support of their Minister and the more regular management of their other affairs.

Read and

*Ordered* that the prayer of the within Petition be So far Granted as that M<sup>r</sup> Aaron Lyman One of the Petitioners be and hereby is fully Authorized and Impowered to notifie and Warn the Inhabitants and Residents on Said Tract of land, Quallyfyed by law to Vote in Town Affairs to Conveene as Soon as may bee in Some Publick place there to Choose Town officers and Agree upon proper Methods for y<sup>e</sup> Calling and Settling a minister and making provision for his Support and for the Raising of monys and defraying all Charges. y<sup>e</sup> Said Officers to Stand untill the 25<sup>th</sup> of March 1740. [*Passed January 15.*]

## CHAPTER 146.

### ORDER IMPOWERING JOS. EPHRAIM INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xvii. (1), 393.  
Mass.  
Archives, xxxi.,  
219.

Legislative  
Records of the  
Council, xvii.,  
Mis., 35.  
House Journal,  
p. 108.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 372,  
chap. 29.

A PETITION of Joseph Ephraim of Natick, Indian, Praying that he may be allowed to sell about Twenty five or thirty acres of Land, to enable him to build a Barn and finish his Dwelling House and to assist his two sons in building and also that he may be impowered to sell four acres of meadow which lies at a great distance from him, for the purchasing of land nearer home.

Read and

*Ordered* that the prayer of this Petition be granted and the Petitioner be and hereby is Impowered to make Sale of Thirty Acres of Of<sup>3</sup> His Comon land or Other land and Also of y<sup>e</sup> four Acres of Meadow as he Shall find most for his advantage to y<sup>e</sup> person or persons that Shall give Most for the Same and to give and Execute in due form of law a good Deed or Deeds of Sale and Conveyance thereof and in proceeding in the sale of the premisses to Act Agreeable to y<sup>e</sup> Rules and directions of y<sup>e</sup> law Relating to y<sup>e</sup> Sale of Real Estates made in the Sixth year of His late Majesty King George Cap: III. and John D'Aith and John Fisher Esqrs are hereby desired and Impowered to be Aiding and Assisting the Petitioner and see that he has Justice done him in y<sup>e</sup> Sale of the premisses and that the proceeds thereof be well & truly Applied for payment of building a barn & finishing his own and his Sons Houses

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (1), 391.

<sup>2</sup> This town became Belchertown.

<sup>3</sup> *Sic.*

and in buying a peice of Meadow with the proceeds of the Meadow he desires to Sell and the Surplussage if any be of the proceeds to be Applied for the Releife and More Comfortable Support of the Petitioner. [*Passed January 16.*]

## CHAPTER 147.

### VOTE IMPOWERING THOS WHITE TO SURVEY AND LAY OUT 150 ACRES OF LAND.

A PETITION of Thomas White of Marshfield, Shewing that he was grievously wounded in the publick service in the year 1712. and is now in very indigent and distressed circumstances, and not able to do any thing for his support; and therefore Praying for relief from this Court.

In the House of Rep<sup>ves</sup>

Read and in Answer to this petition

*Voted* That One Hundred and Fifty Acres of the unappropriated Lands of the province be & hereby is given & granted to the petitioner his heirs & assigns, & that he<sup>1</sup> be allowed & impowred by a surveyor & Chain Men on Oath to return a plat thereof to this Court within twelve Months for Confirmation, the Land to lay Adjoining to some former Grant & is in full Consideration of the petitioners services & sufferings within mentioned

In Council;

Read & Concur'd And that John Cushing Esq<sup>r</sup> be desired to assist the Petition<sup>r</sup> in taking up the said Land & managing of it to his best Advantage:

In the House of Rep<sup>tives</sup> Read and Concurred. [*Passed January 16.*]

Legislative  
Records of the  
Council, xvii. (1), 395.  
Mass.  
Archives,  
lxxii., 467.

Mass.  
Archives,  
lxxii., 466.  
Legislative  
Records of the  
Council, xvii.,  
Mss., 35.  
House Jour-  
nal, pp. 82, 109.

## CHAPTER 148.

### ORDER REFERRING THE MEM<sup>o</sup> OF JOHN STODDARD ESQ<sup>r</sup> IN REGARD TO CLAIM TO LAND BY AN INDIAN.

A MEMORIAL of John Stoddard Esq<sup>r</sup> Shewing that a certain Indian (whose name he has forgot) now living at a Place called Shootuck near Albany but formerly of Quoboog (as he says) has been divers times with the Memorialist to make his claim to the lands between Ware River and Swift River, as also the Equivalent Lands now belonging to John Read Esq<sup>r</sup>; which Lands, he says, descended to him from his Ancestors; that the said Indian did the last Fall desire the Memorialist to mention this affair to this Court, which he now does that so they may make proper inquiry into the matter and do that which they may judge most proper and reasonable.

Read and.

*Ordered* that this Memoriall be Referred to y<sup>e</sup> Next May Session That the Memorialist may then give further Light to this Court concerning y<sup>e</sup> premisses and that he may have oppertunity to Reduce y<sup>e</sup> facts to a greater Certainty. [*Passed January 16.*]

Legislative  
Records of the  
Council, xvii. (1), 396.  
Mass.  
Archives,  
xxxii., 227.

Legislative  
Records of the  
Council, xvii.,  
Mss., 37.  
House Jour-  
nal, pp. 107, 108.

<sup>1</sup> *Sic.*

## CHAPTER 149.

ORDER ACCEPTING THE COMMITTEES REPORT ON THE AFFAIR OF OYSTERS ISL<sup>d</sup> AND CONFIRMING A DEED FROM THE PROPRIETORS THEREOF.

Legislative  
Records of the  
Council, xvii.,  
Mis., 38. Mass.  
Archives,  
xxxii., 225.

Legislative  
Records of the  
Council,  
xvii. (1), 399.  
House Jour-  
nal, pp. 112, 113.  
*Ante*, p. 503,  
chap. 66.

THE TRUSTEES who were appointed on the Petition of Zachæus Wickett & others, Indians, To assist them in making sale of Oyster Island Report That after due Notice Given We mett at Barnstable on the 17<sup>th</sup> Day of Nov<sup>r</sup> last, viewed said Island, And by Public Vendue the same was fairly sold to William Lovel, Jacob Lovell, James Lovel and Lazarus Lovel for five hundred & Seventeen pounds, and a Deed was accordingly Executed by the Indian Proprietors present, For themselves and by us in behalf of those of the proprietors Absent & under Age; And we took Bond of said Lovel's for payment of said Money within six Months.

And in as much as we are informed that one or two of those who call themselves Proprietors Went to Sea some time ago & it is not known whether they are living, & some others perhaps unknown we humbly Apprehend The Great & General Court ought to Confirm the title of said Island to the above said Grantees their heirs & Assigns for ever, They paying the above said Consideration money And further that said money ought to be to the use of the several proprietors of said Island, who shall be allowed to be proprietors by the General Court, In proportion agreeable to the Law of this Province relating to the settlement of intestate Estates, Their several Debts being first paid out of their respective parts. All which is humbly submitted

Jan<sup>y</sup> 11<sup>th</sup> 1738.

By, JN<sup>o</sup> CUSHING.  
JAMES WARREN.

Read and

*Ordered* That this Report be accepted and That the Deed therein-mentioned be and hereby is confirmed, and deem'd good and effectual in Law to pass the Island thereby granted, unto the withinnamed William Jacob, James and Lazarus Lovell, their heirs and assigns forever: And That John Cushing and James Warren Esq<sup>rs</sup>, who have Bond given by the Vendees, in their keeping, distribute the Consideration money; when paid, together with the Interest arising thereon, unto the Proprietors hereafternamed (for whom they are appointed Trustees) So as may be most for their advantage, in the following Proportions, their respective Debts being first deducted: Viz<sup>t</sup> To the Children of Nathan, eldest Son of Simon Wickett deceas'd, Namely Jabez, Robert and Doreas, two tenths, whereof the said Jabez is to have a double Portion, To Zachæus a Son of said Simon's and to Experience only Child of his Son Jeremiah one tenth each, To the Children of his son James, namely Mary, Rebekah and Sarah one Tenth, To his Daughter Esther one tenth, To Gideon the only Child of his Daughter Mary, and to whom she has given her part, one tenth, To Samuel Waupanet, assignee of Samuel, only Child of his Daughter Deborah, one tenth, To Simon Joel, only Child of his Daughter Susannah one tenth, and the remaining tenth to Samuel and Elizabeth Waupint, Children of Benjamin a son of his Daughter Sarah.

And That the said Trustees lay an account of their Proceedings in the Affair before this Court at their Session in May one thousand Seven hundred and forty and be allowed for their Trouble therein as this Court shall order. [*Passed January 17.*]



## CHAPTER 150.

## ORDER ALLOWING THE BRISTOL CO. TREASURERS ACCT.

AN ACCOMPT presented by Sam<sup>l</sup> Howland Treas<sup>r</sup> of the County of Bristol for the Year 1737, Having been laid before the Court of General Sessions of the Peace for said County and there Allowed :

Read and

*Ordered* that the Accompt be accepted, except the article of Twenty two shillings in the Clerks Accompt for Warrants for the County Tax, and Thirty Shillings in the Sheriffs Accompt for dispersing Warrants for the County Tax, & Twenty five shillings more in his Accompt for dispersing Proclamations about Rioters in Boston, and the further sum of Fifty Shillings for dispersing Venires for the Inferior Court, amounting in the whole to the sum of Six pounds seven shillings and six pence, which is not allowed, but ought to be returned to the County Credit. [*Passed January 17.*]

Legislative  
Records of the  
Council,  
xvii. (1), 401.

House Jour-  
nal, pp. 82, 85  
(June, 1738);  
p. 108.

## CHAPTER 151.

ORDER ACCEPTING ACCOUNT OF JOHN QUINCY ESQ<sup>R</sup> AS TRUSTEE OF PUNCAPAUG INDIANS.

AN ACCOMPT presented by John Quincy Esq<sup>r</sup> of the management of the money belonging to the Puncapaug Indians, containing Receipts and Payments; ballance due to the Accomptant being £46. 16.

Read and

*Ordered* that the within Accompt be allowed and accepted, ballance whereof being Forty six pounds sixteen shillings be allowed and paid to the Accomptant out of the Intere[s]t Money which he may receive, and further that the sum of Thirty pounds be allowed and paid the Accomptant for his time and trouble in taking care of the Indians affairs for the three last years (ending the 30<sup>th</sup> Ult<sup>o</sup>) out of their Interest as he shall hereafter receive it; and that the said Trustee be also accomptable for the Capital sum, being Seven Hundred and sixteen pounds three shillings & three pence. [*Passed January 17.*]

Legislative  
Records of the  
Council,  
xvii. (1), 401.

Mass.  
Archives,  
xxxi., 221–224.  
House Jour-  
nal, p. 81.

## CHAPTER 152.

ORDER GRANTING TO SETH WILLIAMS ESQ<sup>R</sup> & OTHERS FURTHER TIME TO SURVEY AND LAY OUT LAND.

A MEMORIAL of Seth Williams Esq<sup>r</sup> Joseph Weld and Ebenezer Pierpoint for themselves and in behalf of Joshua Lamb Esq<sup>r</sup> and the Heirs of John Bowles Esq<sup>r</sup> dec<sup>d</sup> Shewing that althô this Court has been pleased to indulge them with further time than was at first allowed for taking up 1,206 acres belonging to them of the Roxbury Grant, the Survey<sup>r</sup> hath met with disappointments in the affair, so as that he hath not been yet able to lay out the said Land; And therefore Praying that they may be allowed some further time.

Read and

*Orderd* that the prayer of y<sup>e</sup> petition be granted and the Petitioners

Legislative  
Records of the  
Council,  
xvii. (1), 402.

Mass.  
Archives,  
xli., 76.

Mass.  
Archives,  
xli., 75.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 40.  
House Jour.



nal, p. 112.  
*Ante*, p. 435,  
 chap. 179.

be allowed Six months time more for laying out said Twelve hundred & Six Acres of land According to their Grant & for Returning a plat thereof for Confirmation. [*Passed January 17.*]

## CHAPTER 153.

### ORDER OF NOTICE ON THE PETITION OF THO. DEXTER AND OTHERS OF ROCHESTER IN REGARD TO DISMISSING A MINISTER.

Legislative  
 Records of the  
 Council,  
 xvii. (1), 404.  
 Mass.  
 Archives,  
 xii., 4.

Mass.  
 Archives,  
 xii., 1–4.  
 House Jour-  
 nal, pp. 101, 115.

A PETITION of Thomas Dexter and twenty others, Inhabitants of the Second Precinct in Rochester called Matapoisset Precinct; Shewing that they have built a Meeting House and invited M<sup>r</sup> Elisha Tupper to preach to them, but upon further knowledge of him, they suspected him not to have those qualifications necessary for a Minister, and therefore called an Ecclesiastical Council for Advice, who hearing the case of the Petitioners advised M<sup>r</sup> Tupper to desist from his publick Ministry, & the Petitioners to dismiss him; And he was accordingly dismissed by eight of the nine Bretheren of the Church and by the Inhabitants at a Precinct Meeting regularly warned. But after this the said Tupper has taken others of the Inhabitants of the said Precinct into a Church fellowship with divers persons living out of the Precinct, by which means the said M<sup>r</sup> Tupper continues among them to their great grief: Praying for relief from this Court.

Read and in Answer to the within petition

*Ordered* that the prayer thereof be so far Granted as that the Petitioners Serve y<sup>e</sup> Inhabitants Of the Second Parish in Rochester who are not Petitioners and Also M<sup>r</sup> Elisha Tupper with Copys of this Petition that they shew Cause if any they have on the first Thursday of the next Siting of this Court why y<sup>e</sup> prayer of the petition Should not be granted. And that it be Recommended to Said Inhabitants Not to proceed to ordain the said M<sup>r</sup> Tupper in the mean time. [*Passed January 18.*]

## CHAPTER 154.

### ORDER CONFIRMING MARG<sup>t</sup> PAYNES SALE OF REAL ESTATE.

Legislative  
 Records of the  
 Council,  
 xvii. (1), 405.

House Jour-  
 nal, p. 92.  
*Ante*, p. 298,  
 chap. 83.

A PETITION of Margaret Payne of Boston, widow, Shewing that agreeable to the Order of this Court she has sold an House and Land belonging to W<sup>m</sup> Payne Esq<sup>r</sup> her late husband dec<sup>d</sup> and has given Caution to the Judge of Probate of Wills for the County of Suffolk that the produce thereof shall be disposed of agreeable to the Will of her said husband, but not in all respects agreeable to the Order of this Court; And therefore Praying that this Court would confirm her sale of the said House and Land to John Read Esq<sup>r</sup> who purchased it of her; the difference between the Order of this Court and the form of the Bond notwithstanding.

Read and

*Ordered* that the prayer of the Petition be granted, and that the Caution given the Judge of Probate of Wills &c for the County of Suffolk within mentioned, as well as the sale of the said Messuage &c thereupon be and hereby are approved and confirmed by this Court as fully and amply to all intents and purposes whatsoever as if the Order within mentioned had been exactly complied with. [*Passed January 18.*]

## CHAPTER 155.

ORDER REFERRING THE MEMORIAL OF JEREMIAH ALLEN ESQ<sup>R</sup>.Legislative  
Records of the  
Council, xvii.,  
xvii. (1), 405.  
Mass.  
Archives, ci.,  
623.

A MEMORIAL of Jeremiah Allen Esq<sup>r</sup> late Treasurer of the Province; setting forth his long and faithful services to the Government, and Praying for an Allowance for his last six months service, as also a grant of some of the unappropriated Land of the Province

Mass.  
Archives, ci.,  
625. House  
Journal, p. 118.

Read & Referred to y<sup>e</sup> Next May sessions for further Consideration.  
[*Passed January 19.*<sup>1</sup>

## CHAPTER 156.

ORDER IMPOWERING THE HEIRS OF ED. QUINCY ESQ<sup>R</sup> DECEASED TO SURVEY AND LAY OUT 1,000 ACRES OF LAND.

*Ordered* that One Thousand Acres of the Unappropriated lands of the province be & is hereby Given and Granted to the Children of the Late Hon<sup>bl</sup> M<sup>r</sup> Agent Quincy in Equall parts and to their heirs & Assignes for ever in Consideration of their Loss sustained by the death of their Father while in the service of the Province. And that they be allowed and Impowered by a surveyor and Chainmen on Oath to Survey and lay out The Same Adjoyning to Some Town Ship or former Grant and Return a Platt thereof to this Court within Twelve months. for Confirmation. [*Passed January 19.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 41. Mass.  
Archives,  
xvii., 77.Legislative  
Records of the  
Council,  
xvii. (1), 407.  
House Jour-  
nal, pp. 114, 118.

## CHAPTER 157.

ORDER REFERRING THE PETITION OF HAN. FARNSWORTH.

A PETITION of Hannah Farnworth<sup>2</sup> widow of John Farnworth<sup>2</sup> late of Groton; Shewing that their son Joseph Farnworth<sup>2</sup> by his Bond dated the 18<sup>th</sup> of Novem<sup>r</sup> 1728 bound himself to his Father in the sum of £300 to pay certain Annuities to his said father and mother, that the said Joseph is since dead and the Petitioner cannot have the benefit of the said Bond; Praying for relief from this Court.

Legislative  
Records of the  
Council, xvii.,  
xvii. (1), 368,  
408. Mass.  
Archives,  
xvii., 552.

Read &amp;

Mass.  
Archives,  
xvii., 549.  
House Jour-  
nal, pp. 80, 119.  
*Ante*, p. 114,  
chap. 251.

*Ordered* That the further Consideration of this Petition be referr'd to the first Thursday of the next may Session. [*Passed January 19.*

## CHAPTER 158.

ORDER ALLOWING £6 TO JOHN MORSE.

*Ordered* That Six Pounds in Bills of Credit of the new Tenor be granted and allow'd to be paid out of the Publick Treasury, to John Morse Keeper of His Majesty's Goal in Cambridge, in Middlesex County, in consideration of his late extraordinary trouble and Ex-

Legislative  
Records of the  
Council, xvii.,  
Mis., 41. Mass.  
Archives, xli.,  
323.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 18.

<sup>2</sup> The House Journal, pp. 80, 119, reads, "*Farnsworth.*"

Legislative  
Records of the  
Council, xvii.,  
xvii. (1), 409.  
House Jour-  
nal, p. 119.

pence in apprehending and securing Jabez Allen alias Mead, in order to his Tryal at the Court of Assize holden at Charlestown with in Said County in January last. [*Passed January 19.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 45. Mass.  
Archives, xli.,  
322.

## CHAPTER 159.

ORDER ALLOWING £416. 13. 4 TO THE JUDGES.

Legislative  
Records of the  
Council, xvii. (1), 412.  
House Jour-  
nal, p. 110.  
*Infra*, chap.  
160.

*Ordered* that the Sum of four hundred and Sixteen pounds thirteen Shillings & four pence in Bills of Credit of the New Tenor be granted and Allowed to be paid out of the Publick Treasury to the Honourable the Justices of His Majestys Justices of the<sup>1</sup> Superiour Court of Judicature and Court of Assize and Generall Goal Delivery for their Services the Year past which ended the first Instant. [*Passed January 22.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 44. Mass.  
Archives, xli.,  
324.

## CHAPTER 160.

ORDER ALLOWING £83. 6. 8 ADDITIONAL TO THE JUDGES.

Legislative  
Records of the  
Council, xvii. (1), 412.  
House Jour-  
nal, p. 120.  
*Supra*, chap.  
159.

*Ordered* that the Sum of Eighty Three pound Six Shillings & Eight pence of y<sup>e</sup> New Tenor Bills be granted and Allowed to be paid out of the Publick Treasury to y<sup>e</sup> Hon<sup>bl</sup> his Majestys Justices of y<sup>e</sup> superiour Court of Judicature & Court of Assize and Generall Goal delivery for their Service y<sup>e</sup> Year past which ended y<sup>e</sup> first Instant over & above y<sup>e</sup> Allowance Already granted. [*Passed January 22.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 44. Mass.  
Archives,  
lviii., 310.

## CHAPTER 161.

ORDER ALLOWING £200 TO THE PRESIDENT OF HARVARD COLL.

Legislative  
Records of the  
Council, xvii. (1), 412.  
House Jour-  
nal, p. 110.  
*Infra*, chap.  
162.

*Ordered* that the Sum of Two Hundred pounds of New Tenor Bills be Granted and Allowed to be paid out of the Publick Treasury unto the Reverend M<sup>r</sup> Edward Holyoke President of Harvard College Over and above y<sup>e</sup> Rents of Massachusetts Hall for the Space of One year to be paid him Quarterly y<sup>e</sup> year beginning in September last. [*Passed January 22.*]

## CHAPTER 162.

ORDER FOR RAISING THE RENTS OF MASSACHUSETTS HALL, AT HARVARD COLLEGE.

Legislative  
Records of the  
Council, xvii.,  
Mis., 45. Mass.  
Archives,  
lviii., 311.

Legislative  
Records of the  
Council,

*Ordered*, That for the future, the Rent to be Paid by the Students that shall be Entertain'd in the Building (called Massachusetts Hall) sometime since Erected in Cambridge by Order of this Court, Shall be Twenty shillings, Each, p<sup>a</sup> Annum, in Bills of Public Credit of the New Tenor, Or Three Pounds in Bills of the Old Tenor, Until this Court shall otherwise direct: And that such part of the said Rents as shall

<sup>1</sup> The words "Justices of the" are underlined.

not be applied for the Repairing of said Building from time to time, shall be for the Use of the Reverend Mr. Edward Holyoke President of the College. [*Passed January 22.*]

xvii. (1), 412.  
House Journal, p. 112.  
*Supra*, chap. 161. *Infra*, chap. 163.

## CHAPTER 163.

### ORDER ALLOWING £100 TO MR PRESID<sup>T</sup> HOLYOKE.

A MEMORIAL of the Rev<sup>d</sup> M<sup>r</sup> Edward Holyoke, President of Harvard College, Shewing that notwithstanding his frugality he has not been able to make out a livelihood for himself and family by the Allowance made for his support, but has fallen behind hand this year, above One Hundred and Fifty Pounds, without the expence of cloathing his Family; and Moving this Court to give him such a support as to keep him free from debt.

In the House of Rep<sup>ties</sup> Read and in Answer to the within Petition

*Ordered* that the Sum of One hundred pounds of y<sup>e</sup> new Tenor Bills be granted and Allowed to be paid out of the Publick Treasury to the Reverend M<sup>r</sup> Edward Holyoke President of Harvard Colledge in Consideration of his Extraordinary Expences Since the time of his Installment to this day. [*Passed January 22.*]

Legislative Records of the Council, xvii. (1), 413. Mass. Archives, lviii., 309.

Legislative Records of the Council, xvii., Mis., 45. Mass. Archives, lviii., 308. House Journal, p. 116. *Supra*, chap. 162.

## CHAPTER 164.

### ORDER ALLOWING £140 TO THE TREASURER AND A FURTHER SUM OF £50.

*Ordered* that the sum of One Hundred and Forty Pounds of the new Tenour Bills be granted and allowed to be paid out of the Publick Treasury to William Foye Esq<sup>r</sup> Treasurer and Receiver General of His Majestys Revenues of this Province in full for his service for the year past ending the Second Instant, and that the further sum of Fifty pounds of the said Bills be granted and allowed to be paid out of the Publick Treasury to the said William Foye Esq<sup>r</sup> in full consideration for his time and trouble in exchanging the torn and defaced Bills of the Province and paying the premiums or Bounty on Hemp and Flax, to the second Instant. [*Passed January 22.*]

Legislative Records of the Council, xvii. (1), 413. House Journal, p. 110.

## CHAPTER 165.

### ORDER ALLOWING 1/8 PER DIEM TO THE SPEAKER.

*Ordered* that there be granted and Allowed to be paid Out of the Publick Treasury After the Rate of one shilling & Eight pence per Diem of the New Tenor Bills to the Hon<sup>bl</sup> John Quincy Esqr Speaker of the House for every day of His Attendance in the Generall Court from y<sup>e</sup> Opening of the session in May last being the thirty first day of Said month to the End of Said session and for every days Attendance of the present session or that they shall Sitt till the Desolution. upon Certificate from the the<sup>1</sup> Clerk of the House in Consideration of his Constant Application in dischargeing y<sup>e</sup> Publick Affairs. [*Passed January 22.*]

Legislative Records of the Council, xvii., Mis., 43. Mass. Archives, xlix., 23.

Legislative Records of the Council, xvii. (1), 414. Mass. Archives, xlix., 26. House Journal, pp. 110, 111.

<sup>1</sup> *Sic.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 46. Mass.  
Archives,  
xlix., 25.

Legislative  
Records of the  
Council,  
xvii. (1), 414.  
House Jour-  
nal, p. 111.

## CHAPTER 166.

ORDER ALLOWING £53. 6. 8 TO THE CLERK OF THE HOUSE.

*Ordered* that the  $\overline{\text{Sum}}$  of Fifty three pound six Shillings & Eight pence be granted and Allowed to be paid Out of the Publick Treasury to John Wainwright Esqr Clerk of the House in full for his Service to y<sup>e</sup> next May session. [*Passed January 22.*]

## CHAPTER 167.

ORDER ALLOWING £16. 13. 4 TO D<sup>R</sup> WIGGLESWORTH.

Legislative  
Records of the  
Council, xvii.,  
Mis., 46. Mass.  
Archives,  
lviii., 310.

Legislative  
Records of the  
Council,  
xvii. (1), 414.  
House Jour-  
nal, p. 111.

*Ordered* that the  $\overline{\text{Sum}}$  of Sixteen pound thirteen Shillings & four pence be granted and Allowed to be paid out of the Publick Treasury to the Reverend M<sup>r</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge as a Gratuity in Consideration of His faith full discharge of that Great and Important Trust Reposed in him and for his further encouragement therein. [*Passed January 22.*]

## CHAPTER 168.

ORDER ALLOWING £13. 6. 8 TO THE CHAPLAINS OF THE COURT.

Legislative  
Records of the  
Council, xvii.,  
Mis., 43. Mass.  
Archives, xi.,  
533.

Legislative  
Records of the  
Council,  
xvii. (1), 415.  
House Jour-  
nal, p. 111.

*Ordered* that the  $\overline{\text{Sum}}$  of Thirteen pound Six Shillings & Eight pence of the New Tenor Bills be granted and Allowed to be paid out of the Publick Treasury viz<sup>t</sup> the one half thereof to the Reverend Chaplain of the Honourable Board the year Current And the Other Half to the Reverend M<sup>r</sup> Samuella Checkley the Chaplain of the House for his service y<sup>e</sup> year Current. [*Passed January 22.*]

## CHAPTER 169.

ORDER ALLOWING £266. 13. 4 TO FRANCIS WILKES AGENT.

Legislative  
Records of the  
Council,  
xvii., Mis., 43.  
Mass.  
Archives, xx.,  
292.

Legislative  
Records of the  
Council,  
xvii. (1), 415.  
House Jour-  
nal, p. 117.

*Ordered* that the  $\overline{\text{Sum}}$  of Two hundred & Sixty Six pound thirteen Shillings & four pence of the New Tenor Bills be granted and Allowed to be paid out of the Publick Treasury To Francis Wilks Esqr or his Attorney in full for his service y<sup>e</sup> last year in y<sup>e</sup> Agency of the Province. [*Passed January 22.*]



## CHAPTER 170.

ORDER ALLOWING £50 TO THE DOORKEEPER OF THE COURT.

*Ordered* that the sum of Fifty pounds of the New Tenor Bills be granted and Allowed to be paid out of the Publick Treasury to Mr Richard Hubbard Door keeper to His Excellency the Governour and this Court in full for his Service the Current Year ending the Nineteenth day of Feb'y Next. [*Passed January 22.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 47. Mass.  
Archives,  
xlix., 22.

Legislative  
Records of the  
Council,  
xvii. (1), 415.  
House Jour-  
nal, p. 111.

## CHAPTER 171.

ORDER ALLOWING THE PROVINCE TREASURER GENERAL ACC'T.

ON THE ACCOMPT of the Province Treasurer for the last Year

The foregoing Accompt of William Foye Esq<sup>r</sup> Treasurer and Receiver General of His Majestys Revenues within the Province of the Massachusetts Bay in New England beginning May 26<sup>th</sup> 1737 and ending May 31. 1738 having been carefully inspected and examined by the House of Represent<sup>ves</sup> and the same being right cast and well vouched, by which it appears that the Accomptant chargeth himself with several Assessments, Loans, Interest Money &c outstanding due from the several towns amounting to Seventy Nine Thousand four hundred and twenty four pounds ten shillings and six pence; also the Four per Cent interest on the remaining part of the Sixty Thousand Pounds, amounting to Four Hundred seventy two pounds nineteen shillings and eleven pence; also with the Tax laid on the several Towns Anno 1737 amounting to forty eight Thousand nine hundred and twenty pounds nine shillings and three pence; also with Four Thousand forty eight pounds and seven pence received at sundry times for Excise; also the sum of Two Thousand three hundred and seventy one pounds and four pence, principal of the One Hundred Thousand Pounds Loan with Interest of the said Loan amounting to One Thousand nine hundred and eighty one Pounds eighteen shillings and six pence, and the sum of Two Hundred pounds received of the late Hon<sup>ble</sup> Edmund Quincy Esq<sup>r</sup> being what he received for the settlement of the four Housatanuck Towns; also for sundry Fines, amounting to Forty seven pounds five shillings and ten pence, and with Eighteen Thousand and ten pounds in Bills of the old Tenour, part of the last Emission of Twenty Thousand pounds of old Tenour Bills, being all that was struck off, and also with the further sum of Forty Eight Thousand six hundred and twenty five pounds new Tenour Bills received of the Committee appointed for striking and signing the same; and also with the sum of Two Thousand Seven Hundred and four pounds eleven shillings received for Duties of Impost and Incomes of the Light House, and with the further sum of Forty three Thousand nine hundred and thirty two pounds thirteen shillings and five pence, inclusive of Three Thousand three hundred and sixty seven pounds six shillings and ten pence new Tenour Bills which was the Ballance of his last Accompt pass'd on and allowed at the Sitting of the Court begun and held by Adjournment the thirtieth day of November last pass'd: Amounting in the whole to the sum of Two Hundred and Fifty Thousand, Seven Hundred and thirty eight pounds, nine shillings and four pence.

Legislative  
Records of the  
Council,  
xvii. (1), 416.  
Mass.  
Archives,  
cxxxiv., 72.

Mass.  
Archives,  
cxxxiv., 71.  
House Jour-  
nal, pp. 39, 40.

And the said Accomptant dischargeth himself by sundry payments amounting to Twenty Two Thousand five hundred and eight pounds

seven shillings and two pence new Tenor Bills; also with the sum of Thirty Two Pounds, sixteen shillings and six pence old Tenour Bills; also with the sum of Ninety Thousand three hundred and eighty five pounds twelve shillings and two pence torn and defaced Bills burnt and consumed to ashes by Order of this Court:

*Voted* That the Accomptant M<sup>r</sup> Treasurer William Foye Esq<sup>r</sup> be discharged of the said Articles Amounting to One hundred and twelve thousand Nine hundred and twenty six pounds fifteen shillings and ten pence; and that he be still Accountable for the sum of Eighty Eight thousand four hundred and twenty Eight pounds, twelve shillings and ten pence, outstanding in the several towms, of their taxes, Loans &c and also for the sum of Forty nine thousand three hundred and Eighty three pounds. and eight pence, So much in province bills of Credit remaining in his hands recieved by him for taxes, Imposts, Excise, loans &c That is to say, Twenty Nine thousand four hundred Eighty three pounds, Nineteen shillings and Eight pence of the new tenour Bills; and Nineteen thousand, Eight hundred, Ninety nine pounds, one shilling of the old tenour bills to ballance the aforegoing Articles. And also for the sum of Five hundred Fifty seven pounds, seventeen shillings, & six pence recieved by him of Daniel Russell Esq<sup>r</sup> in Gold & silver for Impost &c according to Law. [*Passed January 22.*]

## CHAPTER 172.

### ORDER FOR A MEETING OF THE PROPRIETORS OF BEDFORD.

Legislative  
Records of the  
Council, xvii.,  
Mis., 47. Mass.  
Archives,  
cxiv., 329.

Legislative  
Records of the  
Council,  
xvii. (1), 410.  
House Jour-  
nal, p. 118.  
Province  
Laws, II., 527,  
chap. 1.  
*Ante*, p. 533,  
chap. 133.

*Ordered*, that Anthony Stoddard Esquire A Principall Proprietor of A New Township called Bedford in the County of Hampshire Be and hereby is fully Authorised and Impowered to Assemble and Convene the Proprietors of said New Township in Some Convenient Time and Sutable Place, To Chuse a Proprietors Clerk and to pass such Votes and Orders as they Shall judge Necessary for Carrying on the Settlement of the s<sup>d</sup> New Township in the most Speedy Manner, agreeable to the Conditions of the Grant, And to agree how to Call Meetings for the future. [*Passed January 23.*<sup>1</sup>]

## CHAPTER 173.

### ORDER ALLOWING £50 TO THE SECRETARY.

Legislative  
Records of the  
Council, xvii.,  
Mis., 42. Mass.  
Archives,  
xlix., 21.

Legislative  
Records of the  
Council,  
xvii. (1), 418.  
House Jour-  
nal, p. 110.

*Ordered* that the Sum of fifty pounds of the New Tenor Bills be granted and Allowed to be paid out of the Publick Treasury to Josiah Willard Esqr Secretary of this Province In full for his service the year past ending the third day of December last. [*Passed January 23.*]

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to *ibid.*, xvii. (1), the date is January 19.

## CHAPTER 174.

ORDER ALLOWING £40 TO JOSIAH WILLARD ESQ<sup>R</sup>.

*Ordered* that the Sum of fourty Pounds of the New Tenor Bills be Granted and allowed to be paid out of the Publick Treasury to Josiah Willard Esqr Secretary &c In Consideration of his Extraordinary Services. [*Passed January 23.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 43. Mass.  
Archives,  
xlix., 20.

Legislative  
Records of the  
Council,  
xvii. (1), 419.  
House Jour-  
nal, p. 110.

## CHAPTER 175.

ORDER FOR A MONUMENT ON THE GRAVE OF M<sup>R</sup> AGENT QUINCY.In the House of Rep<sup>ties</sup>

*Ordered* that M<sup>r</sup> Agent Wilks be desired to Erect a Decent Monument over the Grave of the late Hon<sup>bl</sup> M<sup>r</sup> Agent Quincy; the Cost of Which not to Exceed Twenty pound Sterling, And that M<sup>r</sup> Danforth M<sup>r</sup> Hutchinson and M<sup>r</sup> Cushing with such as Shall be joyn'd by the Hon<sup>bl</sup> Board be a Comittee to prepare a draft of a proper Inscription for said Monument and that they forward y<sup>e</sup> same with a Copy of this Order to M<sup>r</sup> Agent Wilks as Soon as may be

In Council

Read and Concurr'd and Josiah Willard and Samuel Welles Esq<sup>rs</sup> are join'd in the affair. [*Passed January 23.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 47. Mass.  
Archives, xx.,  
283.

Legislative  
Records of the  
Council,  
xvii. (1), 419.  
House Jour-  
nal, p. 124.  
*Ante*, p. 543,  
chap. 156.

## CHAPTER 176.

ORDER IMPOWERING EBEN<sup>R</sup> RICHMOND TO SELL LAND.

A PETITION of Ebenezer Richmond and Mary his wife Administ<sup>x</sup> of her former husband James Walker late of Taunton dec<sup>d</sup> Shewing that She hath finished the Acct of her Administration and it is allowed by the Judge of Probate for the County of Bristol, that her said late husband in his life time borrowed of his brother Peter Walker the sum of £61. 9. 4 and for security gave a Deed of Sale of thirty acres of Land part of his homestead, which is worth more than double the sum borrowed, that the Petitioner Ebenezer gave his Bond to the said Peter for the sum borrow'd, upon which he gave a release thereof; And therefore Praying for liberty to sell so much of the said Land as shall be sufficient to discharge the said Debt.

Read and

*Ordered* that the prayer of the within Petiti<sup>l</sup> be Granted and the Petitioners are hereby Allowed and Impowered to Sell So much of y<sup>e</sup> premisses at the head thereof as Will be sufficient to discharge y<sup>e</sup> Debt and Interest due thereon for y<sup>e</sup> Most the Same will fetch and to pass and Execute in due form of law a good Deed of Sale and Conveyance thereof, and that the Petitioners proceed in y<sup>e</sup> Sale Agreeable to y<sup>e</sup> Act of this Province of the Sixth Year of his late Majstyte King George Cap: III Relateing to y<sup>e</sup> Sale of Real Estates. [*Passed January 23.*]

Legislative  
Records of the  
Council,  
xvii. (1), 420.  
Mass.  
Archives,  
xvii., 544.

Mass.  
Archives,  
xvii., 543-545,  
546. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 42.  
House Jour-  
nal, pp. 123, 124.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> *Sic.*

## CHAPTER 177.

ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO JN<sup>O</sup> TYLER & OTHERS.

Legislative  
Records of the  
Council, xvii.  
(1), 421.  
Mass.  
Archives,  
cxiv., 263.

Mass.  
Archives,  
cxlv., 261–264;  
cxvii., 615–616.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 48.  
House Jour-  
nal, pp. 120, 125.  
*Ante*, p. 348,  
chap. 203;  
p. 512, chap. 88.

A PLAT of a Tract of Land of the contents of six miles square laid out by Nathan Haywood Survey<sup>r</sup> & Chain men on oath. to satisfy a grant made by this Court to John Tyler, Joseph Pike and others Officers and Soldiers in the Canada Expedition in the year 1690, lying to the Southward of the mountain called the Grand Manadnock, and adjoining to the Township granted to Samuel Hayward and others; Beginning at a Maple Tree in the North Easterly Corner of Dorchester Canada Township, thence running North 32 Deg: East two miles and one hundred poles to a Heap of Stones; thence North 22 Deg: East four miles; thence North one mile till it meets with the Township granted to Hayward & others; thence West by the said Township four miles to the South Westerly Corner thereof; thence North by the said Township three miles and two hundred and twenty Poles; thence West 30 Deg. South five miles and one hundred and eighty perch to a Wild Cherry Tree on the Southward of the said Grand Manadnock; thence South one thousand and eighty perch; thence East 44 Deg: South two thousand five hundred perch to a Heap of Stones; thence North 12 Deg: East one mile to the Corner of Dorchester Township first mentioned: Allowed for ten large ponds and a large shrub swamp the quantity of four miles in length and one mile in breadth.

Read and

*Ordered* That five thousand Acres only be allowed for Ponds &c<sup>a</sup> And that the Committee be directed to reform the Plat upon the Spot accordingly, at the Charge of the Grantees, and report to this Court at the next May session. [*Passed January 23.*]

## CHAPTER 178.

## ORDER ALLOWING £3 TO COL. CHANDLER.

Legislative  
Records of the  
Council, xvii.,  
Mis., 50.

Legislative  
Records of the  
Council, xvii.  
(1), 419.  
House Jour-  
nal, p. 126.

*Ordered*, that the Sum of Three pounds in Bills of Credit of the new Tenor, be granted and Allowed to be paid out of the Publick Treasury to Col. Chandler for his Service as Clerk of the House this present Session. [*Passed January 24.*]<sup>1</sup>

## CHAPTER 179.

## ORDER APPOINTING A COMMITTEE TO REGULATE THE FISHERY AT AMISKEAG.

Legislative  
Records of the  
Council, xvii.,  
Mis., 52. Mass.  
Archives,  
lxxxvii., 391.

In the House of Representatives

*Ordered*, That Robert Hale Esquire and Capt. Samuel Chamberlain with such as Shall be Joyned by the Honourable Board be a Committee to repair to Ammiskeag Falls at the beginning of the next Fishing Sea-

<sup>1</sup> This date is according to the House Journal and Legislative Records of the Council, xvii., Mis.; according to *ibid.*, xvii. (1), the date is January 23.



son, and be fully Impowered to regulate the Fishery there, and to make such Rules and Orders as they shall find necessary for that purpose, and for the General Benefit of the Persons Fishing there, and that they be Impowered to lay a small Duty on the Fish taken there, Viz' Not Exceeding Three pence a Score for Shadd, and One Penny a Piece for Salmon, and that they be Impowered also by themselves, or such Agent as they shall appoint in Behalf of the Province, by due Course of Law to Evict and Eject all such Persons as have unjustly Entred upon and hold any part of the Land laid out for the Benefit of the Fishery, at or near said Falls, and that the said Committee render an Account at the Sessions of this Court in May next, of what Money they shall receive of the Fishermen, and receive such Reward out of the same for their Time and Expence as this Court shall Order.

In Council

Read and Concurr'd and Thomas Berry Esq<sup>r</sup> is joined in the affair.  
[*Passed January 24.*]

Legislative  
Records of the  
Council,  
xvii. (1), 422.  
House Jour-  
nal, pp. 117, 119.

## CHAPTER 180.

ORDER FOR A MEETING OF Y<sup>E</sup> GRANTEES OF Y<sup>E</sup> TOWN GRANTED TO  
JN<sup>O</sup> TYLER &<sup>C</sup>.

*Ordered* that Thomas Berry Esq<sup>r</sup> Be and hereby is Impowered to Assemble the Grantees of the Township,<sup>1</sup> Granted to John Tyler Joseph Pike and Others Officers and Soldiers Under the Command of Cap<sup>t</sup> Stephen Greenleaf & Philip Nelson in the Expedition to Canada Anno 1690 In such Place and at Such time as He shall think Fit, Then to Chuse A Moderator and Proprietors Clerck, To Agree upon Rules Methods and Orders for the Division and Disposall of the said Propriety in the most Proper Methods for the Speedy fulfilment of the Conditions of their Grant; And Agree upon Methods for the Calling future Meetings. [*Passed January 24.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 50. Mass.  
Archives,  
cxiv., 330.

Legislative  
Records of the  
Council,  
xvii. (1), 423.  
House Jour-  
nal, p. 125.  
*Ante*, p. 550,  
chap. 177.

## CHAPTER 181.

ORDER APPOINTING A COMMITTEE FOR BURNING TORN & DEFACED  
BILLS OF CREDIT.

In the House of Represent<sup>ves</sup>

*Ordered* that M<sup>r</sup> Speaker, M<sup>r</sup> Cushing, M<sup>r</sup> Hutchinson, Samuel Sewall, and Ezekiel Chever Esq<sup>rs</sup> M<sup>r</sup> Webb and M<sup>r</sup> Sumner, with such as shall be joined by the Hon<sup>ble</sup> Board, be a Committee in the Recess of the Court to burn and consume to ashes all such torn and defaced Bills lying in the hands of the Treasurer that are unfit to pass out of the Treasury, that they give the Treasurer a receipt for the same, and make report to this Court at their next Sitting:

In Council; Read and Concur'd and Ezekiel Lewis, Francis Foxcroft, John Jeffries, Jacob Wendell, Anthony Stoddard, Samuel Welles, and Daniel Russel Esq<sup>rs</sup> are joined in the Affair. [*Passed January 25.*]

Legislative  
Records of the  
Council,  
xvii. (1), 426.

House Jour-  
nal, p. 118.

<sup>1</sup> This township became Rindge, New Hampshire.



## CHAPTER 182.

Legislative  
Records of the  
Council, xvii.,  
Mis., 51. Mass.  
Archives,  
xlix., 28.

## ORDER ALLOWING £10 FOR THE CHARGE OF JOHN HUTCHINS'S FUNERAL.

Legislative  
Records of the  
Council, xvii.  
(1), 426.  
House Jour-  
nal, p. 128.

*Ordered* that the Sum of Ten pounds in New Tenor Bills be granted and Allowed to be paid out of y<sup>e</sup> Publick Treasury to the Executors of y<sup>e</sup> last Will and Testament of M<sup>r</sup> John Hutchins dec<sup>d</sup> late a member of this House towards defraying y<sup>e</sup> Charges of his Funerall in as much as he dyed in y<sup>e</sup> Town of Boston during y<sup>e</sup> present sessions of this Court. [*Passed January 25.*]

## CHAPTER 183.

## ORDER IMPOWERING ISAAC MYRICK TO ENTER A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xvii.,  
Mis., 51. Mass.  
Archives,  
lxiii., 512.

ON THE PETITION of Isaac Myrick of Sherbourn within the County of Nantucket. Shipwright. [*ante*, p. 489, chap. 30]

Read and

Legislative  
Records of the  
Council, xvii.  
(1), 427.  
House Jour-  
nal, p. 119.  
*Ante*, p. 489,  
chap. 30.

*Ordered* that the Petitioner be and is hereby Allowed and Impowered by a writt of Review to have Another Tryall of the Action within mentioned at the Next Inferiour Court of Comon Pleas to be holden at Sherborn in and for the County of Nantuckett on the last Tuesday of March Next. the Petitioner to serve y<sup>e</sup> Adverse party Sylvanus Hussey with a Copy of this Petition and order, fourteen days at least fourteen days <sup>1</sup> before y<sup>e</sup> time of y<sup>e</sup> Courts Siting where y<sup>e</sup> Writt of Review of the Action within mentioned Is to be heard and the Justices of y<sup>e</sup> Said Court are hereby Impowered and directed to hear and Trye y<sup>e</sup> Case and enter up Judgment and award Execucion thereupon Accordingly y<sup>e</sup> time by law limited for Review notwithstanding. [*Passed January 25.*]

## CHAPTER 184.

## ORDER REFERRING THE PETITION OF THE TOWN OF ENFIELD.

Legislative  
Records of the  
Council, xvii.  
(1), 427.  
House Jour-  
nal, pp. 127, 128.

A PETITION of Ebenezer Terry Representative of the Town of Enfield : Shewing that one Benjamin Sitton of said place died insolvent and left several children one whereof is an Ideot, who has been supported hitherto by the said Town of Enfield ; but forasmuch as the said Benjamin Sitton lived and died in that part of the Town which is now the Town of Somers ; therefore Praying that the charge of the said Ideots support may be laid upon the said town of Somers for the future.

Read and

*Ordered* that the Petitioner serve the town of Somers with a Copy of this Petition that they shew cause, if any they have, on the first Tuesday of the next May Session why the prayer of the Petition should not be granted. [*Passed January 25.*]

<sup>1</sup> Sic.

## CHAPTER 185.

ORDER FOR A TOWN MEET<sup>g</sup> AT BRUNSWICK.

*Ordered* that Benjamin Larrabee Esqr a Principall Inhabitant of the Township Errected at Brunswick in the County of York be & hereby is fully Impowred and Authorized to Warn the Inhabitants of Said Town Quallyfyed by law to Vote in Town Affairs to Assemble and Meet together in Some Sutable place on the first Monday of March Next to Choose a Moderator, Town Clerk and Other Town Officers for y<sup>e</sup> Year. then next Ensuing. [*Passed January 26.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 53. Mass.  
Archives, vi.,  
531.

Legislative  
Records of the  
Council,  
xvii. (1), 433.  
House Jour-  
nal, p. 128.  
*Ante*, p. 382,  
chap. 50.

## CHAPTER 186.

ORDER APPOINTING A COMMITTEE ON THE REPORT ON THE MEMO<sup>l</sup>  
OF THO<sup>s</sup> WELLS ESQ<sup>r</sup>.

A MEMORIAL of Thomas Welles Esq<sup>r</sup> Shewing that upon an intimation given him that divers Dutch Settlers had encroach'd upon the Lands of this Province lying near the Line between this Province and the Province of New York, the Memorialist viewed the said Land and took a Plat thereof, herewith presented, and found that divers persons from New York Governm<sup>t</sup> were settling on the said land and more coming thither; Which the Memorialist thought his duty to represent to this Court, that so they may take proper measures for securing their right to the said Land.

Legislative  
Records of the  
Council,  
xvii. (1), 375,  
433. Mass.  
Archives,  
cxiv., 315.

Mass.  
Archives,  
cxiv., 314.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 51.  
House Jour-  
nal, p. 131.

John Stoddard Esq<sup>r</sup> from the Committee of both Houses on the Memorial of Thomas Welles Esq<sup>r</sup> made their Report; which was not Accepted; but the following Vote was pass'd on the said Memorial, viz<sup>t</sup>

In Council; Read and

*Ordered* That Ephraim Williams Esq<sup>r</sup> with such as shall be join'd by the Honble House be a Committee carefully to view the Land Situate on or near Hoosuck River; And if they find the Same aecommodable for Inhabitants, That they Survey and lay out one or more Townships of the Contents of Six Miles Square and return a Plat or Plats thereof to this Court at their next May session, with an Account of the Quantity and Quality of the said Land, that so this Court may dispose thereof as they shall think proper

In the House of Rep<sup>tives</sup>

Read and Concurred & Thomas Wells Esqr is Joyn'd in the Affair.  
[*Passed January 26.*]

## CHAPTER 187.

## ORDER REFERRING MARY BADCOCKS PETITION ABOUT LAND.

A PETITION of Mary Badcock of Dartmouth; Shewing that her husband William Badcock has left her and is gone to New York and before his departure he made over to one Christopher Turner in trust for the Petitioners support a piece of land which he purchased with the money which she brought him and the Instrument was delivered to the said

Legislative  
Records of the  
Council,  
xvii. (1), 320,  
434.

House Jour-  
nal, pp. 21, 70.

Turner, who refuses to let the Petitioner have the benefit of the said Estate; Praying that this Court would give order for her relief in the premisses.

Forasmuch as it appears that this Petition was not served on Christopher Turner according to the Order of this Court the twelfth curreant; Therefore

*Ordered* that the further consideration thereof be refer'd to the tenth of January next and that the Petitioner notify the said Christopher Turner of this Order that he may then give in his answer thereto. [*Passed January 26.*<sup>1</sup>

## CHAPTER 188.

### ORDER WITH NOTICE REFERRING THE BARRINGTON INHABITANTS PETITION IN REGARD TO A JUDGMENT.

Legislative  
Records of the  
Council,  
xvii. (1), 440.  
Mass.  
Archives, xii.,  
19.

Mass.  
Archives, xii.,  
17–38. House  
Journal, p. 136.

A PETITION of John Read and others, a Committee for the Town of Barrington, Setting forth that M<sup>r</sup> Peleg Heath their Minister having sued the said Town for One Hundred and Twenty Pounds as arrearages of his Salary, the Justices of the Superior Court, at their last Term in the County of Bristol, gave Judgem<sup>t</sup> against them for One Hundred and Eighty Pounds; which is Sixty Pounds more than was sued for; Therefore Praying that they may be allowed an other Trial, and that by a Jury; and that James Smith and James Adams, whose bodies are taken in execution (they being Select Men the last Year) may be enlarged.

Read &

*Ordered* that the Petitioners forth with Serve the Reverend Mr. peleg Heath with a Copy of the petition<sup>2</sup> that he shew Cause if any he have on y<sup>e</sup> first tuesday the Next May Sessions at three oClock afternoon why the prayer thereof should not be granted, and the petition is referred in the Mean time for Consideration. [*Passed April 20.*

## CHAPTER 189.

### ORDER WITH NOTICE REFERRING THE BELLINGHAM INHABITANTS PETITION IN REGARD TO A TOWN MEETING.

Legislative  
Records of the  
Council,  
xvii. (1), 442.  
Mass.  
Archives, cxiv.,  
409.

Mass.  
Archives,  
cxiv., 366–408.  
House Jour-  
nal, p. 137.

A PETITION of Oliver Haywood & a considerable number of others. Inhabitants of the town of Bellingham, complaining of irregular managements in the calling of a Town Meeting there in March last, by three only of the five Select Men. and of the unwarrantable Proceedings of the said Meeting in the choice of Officers, and other things; Praying that this Court would declare the said Meeting and the Proceedings therein, null and void, and to appoint some suitable person to regulate an other Meeting for the Election of Officers for this present year.

Read and

*Ordered* That the three select Men who issued out the warrant for Assembling the town of Bellingham the seventh day of March last in their Anniversary Meeting for the Choice of town Officers &c and also the Moderator of the said Meeting be Served with a Copy of the petition by the petitioners that they shew Cause if any they have on the

<sup>1</sup> Adjourned to April 19. See Legislative Records of the Council, xvii. (1), 437.

<sup>2</sup> First two lines of MS. obscure.

first tuesday of the next May Session why the prayer thereof should not be granted, & the petition is referred for Consideration in the Mean time.<sup>1</sup> [*Passed April 20.*]

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## CHAPTER 190.

### ORDER ON THE PETIT<sup>N</sup> OF THE PROPRIETORS OF PLUMB ISL<sup>D</sup> ABOUT TRESPASS OF CATTLE.

A PETITION of M<sup>r</sup> Nathaniel Rogers, Henry Rolfe Esq<sup>r</sup> and others, Inhabitants of Ipswich, Newbury, &<sup>c</sup> and Proprietors of an Island called Plumb Island; Shewing that the said Island is at about a miles distance from the main land, separate by a River, that it is extreemly difficult to secure their Salt Grass on which they much depend for hay for their Cattle, by a sufficient fence, for want of which they are not able to prevent other peoples cattle from coming upon their marsh; And therefore Praying that An Act may be made with sufficient penalties to prevent strangers turning their creatures on the said Island, as was provided in the case of the Town of Truro.

Legislative  
Records of the  
Council,  
xvii. (1), 443.

House Jour-  
nal, p. 136.  
Province  
Laws, ii., 967,  
chap. 16; 993,  
chap. 8.

Read, and in answer to this Petition:

*Ordered* that the Petitioners have leave to prepare the Draught of a Bill for the effectual prevention of the Mischiefs and Injuries therein suggested, and lay the same before this Court at the next May Session, for remedying the same; and the Petition is refer'd for further consideration in the mean time. [*Passed April 20.*]

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## CHAPTER 191.

### ORDER WITH NOTICE REFERRING THE PETITION OF JOHN SYMONDS & OTHERS OF BOXFORD IN REGARD TO A TOWN MEETING.

A PETITION of John Symonds and others, Inhabitants of the first Parish in Boxford, complaining against the Committee of the said Parish and the Moderator of their Meeting held in March last, for their irregular and disorderly managements in the said Meeting; And Praying for relief from this Court

Legislative  
Records of the  
Council,  
xvii. (1), 443.  
Mass.  
Archives,  
cxiv., 344.

Read and

*Ordered* that the petitioners Serve the Said David Wood Esq<sup>r</sup> Cap<sup>t</sup> Jeremiah perley & M<sup>r</sup> Thomas Reddington the Committee that called the parish Meeting within mentioned held the 22<sup>d</sup> of March last & reciev'd the Votes for a Moderator, as also the said David Wood Esq<sup>r</sup> said to be chosen Moderator with a Copy of the petition that they shew Cause if any they have on the first thursday of the next May session why the prayer thereof should not be granted, & the petition is referred in the Meantime for further Consideration. [*Passed April 20.*]

Mass.  
Archives,  
cxiv., 343-350.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 54.  
House Jour-  
nal, p. 137.  
*Ante*, p. 469,  
chap. 257.

<sup>1</sup> At the hearing on June 5, 1739, House Journal, p. 15, this petition was dismissed.

## CHAPTER 192.

## ORDER GRANTING FURTHER TIME FOR A RETURN OF A LIST OF THE INHABITANTS OF THE PRECINCT CALLED TWO MILES.

Legislative  
Records of the  
Council,  
xvii. (1), 444.  
Mass.  
Archives,  
cxiv., 337.

Mass.  
Archives,  
cxiv., 336.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 76.  
House Jour-  
nal, p. 140.  
*Ante*, p. 532,  
chap. 132.

A PETITION of Nathaniel Eames of Marshfield, Shewing that this Court were pleased, at their Session in Novem<sup>r</sup> last, to direct him to take the names of such Persons within certain limits as were willing to join themselves to the North Precinct there, and should offer themselves by the first day of March last, and that the Petitioner should return a list of such persons at the next May Session; And for as much as several persons delayed giving in their names beyond the time limited; Therefore praying that the time for receiving such persons names, may be lengthen'd out to some further Day.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Petitioner is hereby impowered to receive the Names of any Persons within the Bounds of the Precinct within mentioned, as Shall at any Time before the first Day of June next enter them with him Signifying their Desire of Joining with the Petitioners as within mentioned, And the Petition<sup>r</sup> is directed to return a List of the Said Persons to this Court at the next Session. [*Passed April 20.*]

## CHAPTER 193.

## ORDER ON WOODSTOCK PROPRIETORS PETITION IN REGARD TO ESTABLISHING A BOUNDARY LINE.

Legislative  
Records of the  
Council,  
xvii. (1), 445.  
Mass.  
Archives, iv.,  
16.

Mass.  
Archives, iv.,  
15. Legislative  
Records of the  
Council,  
xvii., Mis., 54.  
House Jour-  
nal, p. 138.  
*Ante*, p. 53,  
chap. 106.

A PETITION of John Chandler Esq<sup>r</sup> Jun<sup>r</sup> and others, in behalf of the Proprietors of the Town of Woodstock; Setting forth the difficulties they are under in the improvement of their interest, by reason of the Government of Connecticut delaying to ratify the Perambulation of the Line or Boundary between this Province and that Colony, made in the year 1735; And Praying that this Court would order that proper Applications be made to the s<sup>d</sup> Government in the affair.

Read and in Answer to this Petition

*Ordered*, That the Secretary of this Province be directed in the Name of this Court, as soon as may be, to Write to the Secretary of the Colony of Connecticut, Desiring him to Inform the General Assembly of that Colony of the purport thereof, and to Move them to Ratify the Report of the Committees Appointed for the late Perambulation of the Dividing line between both Governments perfected in the year, 1735 And in Case said Assembly don't Ratify the same, that they would Inform this Court of their Reasons. [*Passed April 20.*]

## CHAPTER 194.

## ORDER ALLOWING £4. 3. 5 TO JAB: BRADBURY.

Legislative  
Records of the  
Council,  
xvii. (1), 447.  
Mass.  
Archives,  
cxix., 349.

Mass.  
Archives,

A MEMORIAL of Jabez Bradbury late Truck Master at Richmond Fort, praying that he may be allowed the sum of £8. 6. 10 in Bills of the New Tenour for ten weeks service from the time of the election of his Successor to the Memorialists discharge.



*Ordered* that the  $\text{Sum}$  of four pounds three shillings & five pence in bills of Creditt of the New Tenor be Granted and paid out of the Publick Treasury To the Petitioner Jabez Bradbury in full for the Service within Mentioned. [*Passed April 20.*<sup>1</sup>

cxix., 348.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 53.  
House Jour-  
nal, p. 114.

## CHAPTER 195.

ORDER DISCHARGING THE HEIRS OF EDMUND QUINCY ESQ<sup>R</sup> DEC<sup>D</sup> OF THE BALANCE OF HIS ACCOUNT, £9. 14. 6.

AN ACCOMPT presented by Josiah Quincy of moneys received by his late father Edmund Quincy Esq<sup>r</sup> dec<sup>d</sup> as Agent for this Province, and disbursements thereof, ballance due to the Province being £9. 17. 6 Sterl:

*Ordered* that the Heirs of the late M<sup>r</sup> Agent Quincy be discharged from y<sup>e</sup> ballance of the Above Acco<sup>t</sup> being Nine pound Seventeen shillings & Six pence Sterling. [*Passed April 21.*<sup>2</sup>

Legislative  
Records of the  
Council, xvii.  
(1), 433.  
Mass.  
Archives, xx.,  
239.

Legislative  
Records of the  
Council, xvii.,  
Mis., 55. Mass.  
Archives, xx.,  
238. House  
Journal, p. 117.

## CHAPTER 196.

ORDER IMPOWERING THE TREASURER TO PAY TO JOB ALMY ESQ<sup>R</sup> THE PREMIUM ON HEMP.

A CERTIFICATE signed by the late Survey<sup>r</sup> of Flax for the town of Tiverton that he had surveyed a quantity of Flax for Job Almy Esq<sup>r</sup> and that the same was merchantable according to law.

Read &

*Ordered* That M<sup>r</sup> Treasurer Foye be & hereby is impowred & directed to pay to the within named Job Almy Esq<sup>r</sup> the full premium allowed by the late Act of the province for encouragement of raising Flax & which would have been due on<sup>3</sup> the within Certificate had been seasonably lodged in the Treasury. [*Passed April 21.*

Legislative  
Records of the  
Council, xvii.  
(1), 446.  
Mass.  
Archives, i.,  
132.

Mass.  
Archives, i.,  
131. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 55.  
House Jour-  
nal, p. 140.  
Province  
Laws, ii., 737,  
chap. 15.

## CHAPTER 197.

ORDER IMPOWERING THE TREASURER TO PAY TO DAVID OSGOOD THE PREMIUM ON HEMP.

A PETITION of David Osgood of Lancaster one of the late Constables of the said Town; Shewing that in collecting the rates of the Inhabitants, he took divers Certificates (signed by the Survey<sup>r</sup>) of Hemp and Flax raised by sundry Persons, which he carried to the Treasurer within the time limited for paying them; but the Treasurer, not being at leasure at that time, put him to a further day; but when he came again, the time for paying the said Notes was expired; Therefore praying he may be now ordered to pay the Premium due on the said Notes or discount it with the Petitioner.

Read &

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to *ibid.*, xvii. (1), the date is April 21.

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to *ibid.*, xvii. (1), the date is January 26, 1738.

<sup>3</sup> Legislative Records of the Council, xvii. (1), 446, reads, "if."

Legislative  
Records of the  
Council, xvii.  
(1), 447.  
Mass.  
Archives, i.,  
130.

Mass.  
Archives, i.,  
129. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 55.  
House Jour-  
nal, pp. 140, 141.

Province  
Laws, ii., 737,  
chap. 15.

*Ordered* that M<sup>r</sup> Treasurer Foye be and hereby is impowered and directed to pay to the hon<sup>ble</sup> Joseph Wilder Esq<sup>r</sup> by him to be paid to the said David Osgood the petitioner the full premium allowed by the late Act of the province for the Encouragement of raising Hemp &c which would have been due on the ten certificates inclosed, had they been seasonably lodged in the Treasury. [*Passed April 21.*]

## CHAPTER 198.

Legislative  
Records of the  
Council, xvii.,  
Mis., 56. Mass.  
Archives, i.,  
133.

### ORDER FOR INQUIRING AB<sup>t</sup> A FORGERY OF A CERT: OF FLAX.

THERE being manifest Ground to Suspect a Forgery of a Certificate (offered to this Court by David Osgood) of twenty nine pounds of Hemp said to be raised by Jabez Beaman which Certificate is Subscribed Josiah White surveyor for Hemp & Flax for Lancaster.

Legislative  
Records of the  
Council,  
xvii. (1), 447.  
House Jour-  
nal, p. 141.

*Ordered* that Joseph Wilder Esq<sup>r</sup> one of His Majesty's Justices of the Peace for the County of Worcester be desired to make Strict Enquiry into the Matter & proceed therein According to Law. [*Passed April 21.*]

## CHAPTER 199.

### ORDER CONFIRMING EXCHANGE OF PROPERTY.

Legislative  
Records of the  
Council,  
xvii. (1), 449.  
Mass.  
Archives,  
xvi., 78.

A PETITION of Cpt. Stephen Williams of Roxbury Shewing that in the settlement of the Dividing Line between the two Precincts in the said Town by this Court in the year 1735. the Petitioner and his Estate was included in the West Precinct, which was very inconvenient for him by reason of his distance from the Place of publick Worship: And therefore it is agreed between the Inhabitants of the said Precincts, that the Petitioner and his Estate should be set off to the East Precinct, and that as an Equivalent, the whole of M<sup>r</sup> Whalleys Estate except the Marsh, the whole of M<sup>r</sup> Burroughs estate except the Marsh, M<sup>r</sup> Lymans House and one Acre of Land, and about two or three Acres of School Land, be set off from the East to the West Precinct; Praying this Court to confirm the said Exchange.

Read and

Mass.  
Archives,  
xvi., 79, 80.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 57.  
House Jour-  
nal, p. 145.  
*Ante*, p. 202,  
chap. 179.

*Ordered* That the Prayer of the Petition be granted and that the Exchange withinmentioned be and hereby is ratified and confirmed, and the Precinct Line Settled accordingly. [*Passed April 23.*]

## CHAPTER 200.

### ORDER DECLARING THE PROCEEDINGS OF THE MEETING OF THE SECOND PRECINCT IN ROCHESTER NULL AND VOID.

Legislative  
Records of the  
Council,  
xvii. (1), 450.  
Mass.  
Archives,  
xii., 5.

ON THE PETITION of divers of the Inhabitants of the Second Precinct in the Town of Rochester; [*ante*, p. 542. chap. 153]

In Answer to the Petition of the Inhabitants of the Second Precinct in Rochester called Matapoiset, the Parties being admitted into the House and fully heard thereon

Legislative  
Records of the  
Council, xvii.,

*Voted*, That the Prayer of the Petition be so far Granted, As that the proceedings of the Church, and also of the Precinct Meetings of

the said Parish, with respect to their Choice of Mr. Elisha Tupper to be their Minister, having been irregular, be, and hereby are set aside, and declared Null and void ; And it is recommended to the Church, that in their future proceedings as to the Choice of a Minister, they admit No Persons to Vote that are not in full Communion with said Church, and Inhabitants of the Parish. And it is also recommended to the Precinct, that in their future Meetings, being legally Assembled, they Admit No Persons to Vote but such as are qualified. And that the Valuation of Estates in the Precinct be the Rule for determining the Qualification of Voters which is agreeable to the Province Law. [*Passed April 24.*]

Mis., 61.  
House Journal, pp. 137, 138,  
139, 142, 143.  
*Ante*, p. 542,  
chap. 133.

## CHAPTER 201.

ORDER ALLOWING HEMP & FLAX TO BE RECEIVED IN PAYMENT OF TAXES.

*Voted* That M<sup>r</sup> Treasurer Foye be directed to advertise in the public prints to the Constables or Collectors of the respective towns within this province that they are by Law allowed and impowred to recieve Hemp at four pence *p* pound, and Flax at Six pence *p* pound in payment of the province tax, although his Warrants to them have not taken Notice thereof. [*Passed April 24.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 57. Mass.  
Archives, ci.,  
626.

Legislative  
Records of the  
Council,  
xvii. (1), 451.  
House Journal,  
p. 147.

## CHAPTER 202.

ORDER APPOINTING A COMMITTEE ON THE MESSAGE FROM THE GOVERN<sup>r</sup> ABOUT THE BOUNDARIES.

THE DEPUTY SECRETARY read at the Board the following Message from His Excellency and then carried it down to the House viz<sup>t</sup> Gentleman of the Council and House of Representatives.

By a Ship that arrived last Saturday, and the latest from London, came to my hands some papers respecting the Boundaries between this Province and New Hampshire, in one of which are couched many false and injurious reflexions on this Government. I have therefore ordered the Secretary to lay them before you, for your acting upon them as you shall think proper.

In the House of Represent<sup>ves</sup>

*Ordered* that M<sup>r</sup> Speaker, M<sup>r</sup> Read, Coll. Wainwright, M<sup>r</sup> Thomas Cushing, M<sup>r</sup> Hutchinson, Major Sewall and Samuel Danforth Esq. with such as shall be joined by the Hon<sup>ble</sup> Board, be a Committee to take into consideration His Excellencys Message of this day to the two Houses, with the Papers therein mentioned, relating to the Boundaries between this Province and New Hampshire ; that the Committee transmit, as soon as may be conveniently, to the Agents of the Province, authenticated Copies of all such Papers and Records as they shall think necessary, and also prepare and transmit such further Instructions, in the name of this Court to the Agents relating to the said Lines or Boundaries, as shall be found needful, to remove any injurious charges or suggestions against the conduct of the Government in that affair ; and also that the Committee be further directed to lay an Account of their proceedings herein before this Court in the next May Session.

In Council ; Read and Conem'd, and William Dudley, Ezekiel Lewis, Francis Foxcroft, Samuel Welles, Anthony Stoddard and Benjamin Lynde Esq<sup>rs</sup> are joined in the affair. [*Passed April 24.*]

Legislative  
Records of the  
Council,  
xvii. (1), 451.

House Journal,  
pp. 147, 148.  
*Ante*, p. 498,  
chap. 53.

## CHAPTER 203.

ORDER ALLOWING £40 TO JOHN & ZECHA<sup>A</sup> TARBELL.

Legislative  
Records of the  
Council, xvii.,  
Mss., 57. Mass.  
Archives, xva.,  
18.

Legislative  
Records of the  
Council,  
xvii. (1), 442,  
452. House  
Journal,  
pp. 143, 145.

IN CONSIDERATION of that Clause in His Excellency's Speech for inducing some English Captives lately come from Canada to return hither again by giving them some proper Encouragement.

*Ordered* that the sum of Forty pounds New tenor bills be granted & allowed to be paid out of the publick Treasury to M<sup>r</sup> Eph Kellogg Esq<sup>r</sup> and by him to be paid and disposed of to & for the Use of the two Captives Viz<sup>t</sup> John Tharbell and Zecheriah Tharbell in the following Manner Viz<sup>t</sup> Sixteen pounds thirteen shillings & four pence part thereof to be laid out at their discretion as a present to their Wives in the purchase of such things as they are desirous of, and that the like sum of Sixteen pounds thirteen shillings & four pence be given to be at their own disposall, And the remainder thereof Viz<sup>t</sup> Six pounds thirteen shillings & four pence be given them to bear their Charges homewards.

And further the Assurance of this Government is hereby given them that if they shall return with their Families to live among us they shall be put & kept in the pay of the province, as Soldiers at Fort Dummer during Life to give them bread for their Families without being obliged to the duty of the Garison only behaving themselves peaceably and Orderly Among us; And that each of them shall have a right in Some New township, or two hundred Acres of Land a piece for an Inheritance to them, and their heirs, where it shall be found most fit and Convenient And also that on their return again with their Families to dwell here as aforesaid this Government will pay to their Brethren namely Thomas & Samuel Tharbell the Am<sup>o</sup> of M<sup>r</sup> William Rogers Jun<sup>r</sup> his Acompt for the Charge of their Journey down & now exhibited being forty pounds, eleven shillings & seven pence. [*Passed April 24.*]

## CHAPTER 204.

ORDER REFERRING THE PETITION OF DIVERS INHAB<sup>S</sup> OF AGAWAM AND ROCHESTER TO BE ERECTED INTO A TOWNSHIP.

Legislative  
Records of the  
Council,  
xvii. (1), 454.  
Mass.  
Archives,  
cxiv., 334.

Mass.  
Archives,  
cxiv., 333.  
House Jour-  
nal, p. 145.

A PETITION of Ebenezer Burgess, Thomas Hamlin and others, Inhabitants of the Precinet of Agawam in the Town of Plymouth and of the Easterly part of the Town of Rochester, Praying that they may be erected into a separate Township.

Read &

*Ordered* That this petition be referred to the Second Wednesday of the next May session for Consideration. [*Passed April 24.*]

## CHAPTER 205.

## ORDER LEVYING A TAX OF ONE PENNY PER ACRE ON LAND IN WORCESTER, FOR THE SUPPORT OF A MINISTER.

Legislative  
Records of the  
Council,  
xvii. (1), 455.  
Mass.

A PETITION of Isaac Burr of Worcester, Clerk, Shewing that whereas this Court were pleased at their Session in March 1735. to grant a tax of one peny per acre on all the unimproved lands of the Non Resident Pro-



prietors in the Southerly part of the said Town, for the better support of the Petitioner, the Assessors of said Town have not yet assessed the said Tax; Praying that the said Order may be revived for such time as may be thought proper.

Read and

*Ordered* that the prayer of the petition be granted and the Grant of the tax of One penny p Acre on the Unimproved Lands of the Non-resident proprietors of the south part of the town of Worcester be & hereby is revived, & the Memorialist is allowed the benefit thereof to all Intents & purposes whatsoever as to his Support in a better Manner; the Order to Continue three years from the passing thereof. [*Passed April 25.*]

Archives, cxiv., 341.  
Legislative Records of the Council, xvii., Mis., 58, Mass. Archives, cxiv., 342.  
House Journal, p. 147.  
*Ante*, p. 242, chap. 264.

## CHAPTER 206.

### ORDER IMPOWERING DAVID INGERSOL TO FILE AN APPEAL.

A PETITION of David Ingersol of Westfield; praying for the Revival of his Petition given in the last Session referring to a cause between the Petitioner and John Mun and Abigail his wife, [*ante*, p. 492, chap. 37]

Read and it appearing that the within named John Mun & Abigail his Wife have been duly Served with a Copy of this and the former Petition and no Auswer given in:

*Ordered* that the Prayer of the Petition be granted, and that the Petitioner be allowed & impowered to file his Reasons of Appeal from the Judgment within mentioned in the Clerks Office of the Superiour Court of Judicature &c for the County of Hampshire And notify the adverse party of this Order fourteen Days at least before the Sitting of the Said Court at Springfield for the Said County on the fourth Tuesday of September next, And the Justices of the Said Court are hereby impowered & directed to hear & determine the Same; enter up Judgment & award Execution Accordingly, The Costs already Sustain'd to remain as they are. [*Passed April 25.*]

Legislative Records of the Council, xvii. (1), 342.  
Mass. Archives, xli., 243.  
Mass. Archives, xli., 241.  
Legislative Records of the Council, xvii. (1), 456;  
*ibid.*, xvii., Mis., 60.  
House Journal, pp. 36, 149.  
*Ante*, p. 492, chap. 37.

## CHAPTER 207.

### ORDER GRANTING THE PETITION OF ESTES HATCH ESQ FOR LEAVE TO FILE REASONS OF APPEAL.

A PETITION of Estes Hatch of Dorchester Esq<sup>r</sup> Shewing that he was convented before Habijah Savage Esq<sup>r</sup> one of His Majestys Justices of the Peace for the County of Suffolk upon the complaint of Samuel Hall of Dorchester for publishing a Ly to the said Halls defamation, and the said Justice did with great suddenness pronounce sentence, from which he would have then appealed had he known it was his right by law. but being ignorant thereof, and having no Council, he lost that advantage; And therefore praying that he may be now allowed to appeal from the said sentence to the Court of General Sessions of the Peace for the County of Suffolk to be held by Adjournment on the first Monday in May next.

Read and it appearing that the within named Samuel Hall has been duly Served with a Copy of the Petition But no Answer given in

*Ordered* that the Prayer thereof be granted and that the Said Estes Hatch Esq<sup>r</sup> be allowed & impowed to file his Reasons of Appeal from the Sentence within mentioned (as y<sup>e</sup> Law directs) Seven Days before

Legislative Records of the Council, xvii. (1), 446.  
Mass. Archives, xli., 335.  
Mass. Archives, xli., 333.  
Legislative Records of the Council, xvii. (1), 457;  
*ibid.*, xvii., Mis., 60.  
House Journal, pp. 141, 150.



the Sitting of the Court of General Sessions of the Peace for the County of Suffolk on the Adjourn<sup>t</sup> being the first Monday of May next as within mentioned, And the Justices of the Said Court are hereby impowered & directed to hear & try the Said Cause enter up Judgment & award Execution Accordingly. [*Passed April 26.*]

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## CHAPTER 208.

### ORDER ON THE REPORT ON THE AFFAIR OF THE LINE.

Legislative  
Records of the  
Council,  
xvii. (1), 458.

Legislative  
Records of the  
Council,  
xvii. (1), 451.  
House Jour-  
nal, pp. 147, 148,  
150. *Ante*,  
p. 559, chap.  
202.

THE COMMITTEE appointed to consider of His Excellencys Message of the 24<sup>th</sup> Instant are of Opinion that the Records mentioned in the List hereunto annexed, be copied and duly authenticated by the Secretary of this Province, that he sign the letter to the Agents, whereof a Draught is herewith presented. They have also prepared a letter for the Secretary of the Province of New Hampshire, in Order to obtain from him authenticated copies of sundry necessary Records and Papers. And are further of Opinion that some Gentlemen, learned in the law, supervise those Evidences or any other that may be found for the purpose, and prepare a brief Answer to M<sup>r</sup> Tomlinsons Memorial, and the whole to be transmitted to the Agents, by them to be improved in the best manner, to remove the groundless Suggestions and Complaints mentioned in the Memorial.

In the name and by Order of the Committee

Boston April 25. 1739.

W<sup>m</sup> DUDLEY.

Read and

*Ordered* that this Report be accepted; and that this Committee be continued and meet in the Recess of the Court, to do what may be further necessary in the affair and make Report thereof to this Court at the next May Session. [*Passed April 26.*]

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1739-40.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1739-40.

HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

SIMON FROST, Esq.,  
DEPUTY SECRETARY.

## COUNCILLORS OR ASSISTANTS.<sup>2</sup>

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

WILLIAM DUMMER	}	ESQRS.
THOMAS HUTCHINSON		
JOHN TURNER		
EDWARD HUTCHINSON		
WILLIAM DUDLEY		
JONATHAN REMINGTON		
JOHN OSBORNE		
EBENEZER BURRILL		
FRANCIS FOXCROFT		

JOSIAH WILLARD	}	ESQRS.
JACOB WENDELL		
ANTHONY STODDARD		
THOMAS BERRY		
JOSEPH WILDER		
BENJAMIN LYNDE, JR.		
RICHARD BILL		
SAMUEL DANFORTH		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

MELETIAH BOURNE	}	ESQRS.
SETH WILLIAMS		

JOHN CUSHING	}	ESQRS.
NATHANIEL HUBBARD		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

WILLIAM PEPPERIL, SAMUEL CAME & JEREMIAH MOULTON, ESQRS

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN JEFFRIES, ESQ.

<sup>1</sup> See Legislative Records of the Council, xvii. (2), 2-7.

<sup>2</sup> Paul Dudley of Massachusetts Bay, elected by the House of Representatives, was rejected by the Governor.

*For the Province, at large: —*

EZEKIEL LEWIS &amp; DANIEL RUSSEL, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 30, 1739 to March 28, 1740.*

MR. JOHN QUINCY, SPEAKER.

## COUNTY OF SUFFOLK.

*Boston*, . . . Mr. Thomas Cushing,  
                   Mr. Edward Bromfield,  
                   Mr. James Allen,  
                   Mr. Christopher Kilby.  
*Roxbury*, . . Paul Dudley, Esq.  
*Dorchester*, . Capt. Thomas Wiswall.  
*Milton*, . . . Mr. Nehemiah Clap.  
*Braintree*, . . John Quincy, Esq.  
*Weymouth*, . . Capt. Adam Cushing.  
*Hingham*, . . Mr. Jacob Cushing.  
*Dedham*, . . . John Metcalf, Esq.  
*Medfield*, . . Mr. Jonathan Plympton.  
*Wrentham*, . . Mr. Timothy Metcalf.  
*Brooklyn*, . . Samuel White, Esq.  
*Needham*, . . Capt. Robert Cook.  
*Stoughton*, . . Mr. William Crane.  
*Medway*, . . . Edward Clark, Esq.  
*Chelsea*, . . . Samuel Watts, Esq.

## COUNTY OF ESSEX.

*Salem*, . . . Mr. William Brown,  
                   Mr. Thomas Lee.  
*Ipswich*, . . . Richard Rogers, Esq.,  
                   Ammi Ruhamah Wise, Esq.  
*Newbury*, . . Henry Rolfe, Esq.  
*Lynn*, . . . . Capt. William Collins.  
*Marblehead*, . Capt. Gyles Russel.  
*Glocester*, . . Capt. Andrew Robinson.  
*Rowley*, . . . Mr. John Northern.  
*Salisbury*, . . William Bradbury, Esq.  
*Haverhill*, . . Mr. Nathaniel Peaslee.  
*Andover*, . . . Mr. Joseph Parker.  
*Beverly*, . . . Mr. Henry Herrick.  
*Topsfield*, . . Mr. Jacob Peabody.  
*Wenham*, . . . Mr. William Fairfield.  
*Amesbury*, . . Capt. Thomas Rowel.  
*Bradford*, . . Mr. Richard Bayley.  
*Boxford*, . . . Mr. Benjamin Porter.

## COUNTY OF MIDDLESEX.

*Cambridge*, . Mr. John Vassal.  
*Charlestown*, . Thomas Greaves, Esq.  
*Watertown*, . Mr. Jonas Bond.

COUNTY OF MIDDLESEX — *Concluded.*

*Woburn*, . . . Mr. Rowland Cotton.  
*Concord*, . . . Mr. Samuel Chandler.  
*Newtown*, . . Samuel Jackson, Esq.  
*Sudbury*, . . . Mr. Edward Sherman.  
*Marlboro'*, . . Mr. Joseph Rice.  
*Groton*, . . . Nathaniel Sartell, Esq.  
*Framingham*, . Joseph Buckminster, Jr.,  
                   Esq.  
*Chelmsford*, . Capt. Samuel Chamberlain.  
*Sherburn*, . . . John D'Aeth, Esq.  
*Billerica*, . . Mr. Jacob French.  
*Reading*, . . . Mr. Ebenezer Parker.  
*Malden*, . . . Mr. Joseph Lynde.  
*Lexington*, . . Mr. Joseph Fasset.  
*Weston*, . . . Mr. Joseph Livermore.  
*Medford*, . . . Mr. William Willis.  
*Dunstable*, . . Joseph Blanchard, Esq.  
*Littleton*, . . Capt. Samuel Hunt.  
*Hopkinton*, . . John Jones, Esq.  
*Westford*, . . Capt. Thomas Read.  
*Waltham*, . . Mr. John Cutting.

## COUNTY OF HAMPSHIRE.

*Springfield*, . William Pynchon, Esq.  
*Northampton*, . Ebenezer Pomroy, Esq.  
*Hadley*, . . . Eleazar Porter, Esq.  
*Hatfield*, . . . Mr. John Dickenson.  
*Westfield*, . . Thomas Ingersol, Esq.  
*Enfield*, . . . Mr. Ebenezer Terrey.

## COUNTY OF WORCESTER.

*Worcester*, . . John Chandler, Esq.  
*Lancaster*, . . Mr. Ebenezer Wilder.  
*Medon*, . . . Mr. Ebenezer Miriam.  
*Woodstock*, . . Mr. William Lyon.  
*Brookfield*, . . Joseph Dwight, Esq.  
*Sutton*, . . . Mr. Percival Hall.

## COUNTY OF PLYMOUTH.

*Plymouth*, . . Capt. Josiah Morton.  
*Duxbury*, . . . John Alden, Esq.  
*Scituate*, . . . Mr. Nicholas Lichfield.



COUNTY OF PLYMOUTH—*Concluded.*

*Marshfield*, . . Major John Winslow.  
*Bridgewater*, . . Capt. Josiah Edson.  
*Middleboro'*, . . Elkanah Leonard, Esq.  
*Rochester*, . . Mr. John Freeman.  
*Plympton*, . . Mr. John Bradford.  
*Pembroke*, . . Isaae Little, Esq.

COUNTY OF BARNSTABLE.

*Barnstable*, . . Shubal Gorham, Esq.  
*Yarmouth*, . . Mr. Daniel Hall.  
*Sandwich*, . . Mr. Timothy Ruggles.  
*Eastham*, . . William Payne, Esq.  
*Harwich*, . . Edmund Freeman, Esq.  
*Falmouth*, . . Seth Parker, Esq.

COUNTY OF BRISTOL.

*Bristol*, . . . Stephen Payne, Esq.  
*Taunton*, . . Capt. James Leonard.  
*Rehoboth*, . . Mr. Jonathan Kingsley.

COUNTY OF BRISTOL—*Concluded.*

*Swansey*, . . . Mr. William Anthony.  
*Little Compton*, William Hall, Esq.  
*Tiverton*, . . . Mr. Samuel Borden.  
*Dartmouth*, . . Mr. William Hix.  
*Norton*, . . . Mr. Benjamin Williams.  
*Attleboro'*, . . John Foster, Esq.  
*Dighton*, . . . Mr. Josiah Talbot.

COUNTY OF YORK.

*York*, . . . . Mr. Richard Milberry.  
*Kittery*, . . . Richard Cutt, Esq.  
*Wells*, . . . . John Storer, Esq.  
*Berwick*, . . . Mr. Moses Butler.  
*Falmouth*, . . Mr. Phineas Jones.  
*Biddeford*, . . Mr. John Stagpole.

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . George Bunker, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTIETH DAY OF MAY, A.D. 1739.

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## CHAPTER 1.

ORDER ON THE PETITION OF TIM<sup>o</sup> WHITING AND OTHERS OF DORCHESTER PRAYING TO BE ANNEXED TO DEDHAM.

A PETITION of Timothy Whiting, Stephen Badlam, Joseph Dammon, Joseph Prat, Thomas How, John Lewis, Henry Vayan, John Dammon, Samuel Paul & Isaac Paul, all Inhabitants of the South Westerly Part of Dorchester; Praying that they may be set off from said Town and annexed to the first Precinct in the Town of Dedham, by the Bounds particularly mentioned in the Petition; Agreeable to the Votes of both Towns pass'd at regular Town Meetings.

Read &

*Ordered* that the prayer of the petition be granted, & that the petitioners agreeable to the Vote of the town of Dorchester of the Ninth of May last, & that of the town of Dedham of the fourteenth of said Month & hereto Annex'd be & hereby are dismissed from the town of Dorchester with the Lands hereafter mentioned and annexed to the town of Dedham, and more particularly to belong to and accounted as part of the first precinct there subject to duty and entitled to equal privileges with them; the Bounds of the Lands hereby Set off to Dedham being as follows viz<sup>t</sup> begining on the southerly Side of Mother Brook so called where Said Brook runs in to Neponset River and so to go up Stream upon the south Side of Said Brook until it comes over against the south West Line of the Church Lot, which is the forty first Lot in the three Divisions and one quarter so called, and then crossing over said brook to the Northerly Side to the southwesterly Line of the s<sup>d</sup> Church Lot, & then the said Line of the Church Lot (which runneth about Northwest) to be the bounds to Roxbury Line; & also that the petitioner Thomas How with the Estate he now lives upon in the thirtieth, thirty first, thirty second, thirty third and thirty fourth Lots in Said division of Land, which is not included in the bounds above mentioned, but near thereunto be and is hereby also annexed to the town of Dedham to do duty & recieve privilege there. [*Passed June 6.*]

Legislative  
Records of the  
Council,  
xvii. (2), 12.  
Mass.  
Archives,  
cxiv., 335.  
Mass.  
Archives,  
cxiv., 334-338.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 62.  
House Journal,  
pp. 14, 15.

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## CHAPTER 2.

ORDER IMPOWERING ABIG. PRESCOT AS ADMINISTRATRIX TO EXECUTE DEEDS.

A PETITION of Abigail Prescott Widow & Administ<sup>r</sup> of Benjamin Prescott late of Groton in the County of Middlesex Esq<sup>r</sup> dec<sup>d</sup> Shew-

Legislative  
Records of the  
Council,

xvii. (2), 14.  
Mass.  
Archives,  
xvii., 581.

Mass.  
Archives,  
xvii., 580.  
Legislative  
Records of the  
Council, xvii.,  
Misc., 63.  
House Jour-  
nal, pp. 16, 19.

ing that her said husband died siezed of large quantities of wild and uncultivated Lands, a great part whereof ly in towns not yet fully settled, for which the Petitioner has, since her husbands death, paid considerable taxes and must pay more, or else the land will be sold to pay them; that the Intestate in his life time contracted with sundry persons to give Deeds of several parcels of the said Land and received Bonds of them for payment of the purchase consideration; And therefore Praying that this Court would empower her, with the consent of the Guardians of the Intestates Children, to sell so much of his Out lands as may raise money sufficient to pay the said Taxes and other charges.

[Read and]

*Ordered*, That the Prayer of this Petition be Granted, and that the Petitioner in her Capacity as Administratrix be, and hereby is fully Impowered and Authorized to Execute good and Sufficient Deeds in the Law of all such Lands as the Deceased in his Life time, laid himself Under Bonds for the Performance of.

And Whereas the said Deceased had considerable Interest in sundry New Towns, and the Terms and Conditions of the Grants are not yet fully comply'd with, That therefore She be, and hereby is further Authorized and Impowered with the Advice (to be given in Writing) of Capt. William Lawrence of Groton, to make Disposition of such and so much of the Out Lands of the Deceased not as yet Settled, as will be absolutely Necessary and Sufficient to reimburse the Petitioner what she has already paid, and fully to Enable her further to pay all such Rates and Taxes, and to perform the Other Conditions of Settlement, and no more. And that She Account from time to time with the Judge of Probate for the County of Middlesex for the Produce Arising by such Sale or Sales. [*Passed June 7.*]

## CHAPTER 3.

### ORDER OF NOTICE ON STURBRIDGE PETITION IN REGARD TO TAXES.

Legislative  
Records of the  
Council,  
xvii. (2), 15.  
Mass.  
Archives,  
cxiv., 377.

Mass.  
Archives,  
cxiv., 376-380.  
House Jour-  
nal, p. 17.

A PETITION of Cpt Moses Mercey in behalf of the Town of Sturbridge, Shewing that there are great quantities of unimproved lands in said Town belonging to the Non Resident Proprietors which are constantly rising in their value by the improvements made on the Residents Lands; And therefore praying that the Inhabitants of said Town may be impowered to lay a tax on said Non Residents unimproved lands of two pence per Acre per Ann<sup>m</sup> for the space of five years, for defraying the Town & Ministerial charges.

Read &

*Ordered* that the petitioner Cap<sup>t</sup> Moses Marcey Notifie the proprietors of all the unimproved Lands in the town of Sturbridge with the subject Matter of this petition & the prayer thereof by publishing the same in the Boston News papers for the space of four weeks at least successively, that so the said proprietors of said unimproved Lands may shew Cause if any they have on the first friday of the next sitting of the Court why the prayer thereof should not be granted, and the petition is referred in the Mean time for Consideration. [*Passed June 7.*]

## CHAPTER 4.

## ORDER ACCEPTING THE ACCOMPT OF THE CO. TREASURER OF YORK COUNTY.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the last year, Having been laid before the Court of General Sessions of the Peace for said County and by them allowed :

Read &

*Ordered*, That the Account be allowed ; the balance whereof being Twenty pounds, thirteen Shillings & two pence in favor of the County, the said Jeremiah Moulton Esq<sup>r</sup> is further Accountable for to them. [*Passed June 7.*<sup>1</sup>

Legislative Records of the Council, xvii. (2), 20; *ibid.*, xvii., Mis., 64.

House Journal, pp. 10, 15.

## CHAPTER 5.

VOTE FOR PROCURING PICTURES OF KING W<sup>m</sup> & QUEEN MARY.

WHEREAS this Government have the Honour of the pictures of the late Queen Anne, King George the first, and His present Majesty, together with the late Queen Caroline and the princess Sophia

*Voted* That M<sup>r</sup> Agent Wilks at the Charge of the Government in the most suitable Manner that may be procure Copys from the best Originals that can be found of King William & Queen Mary in the fourth year of whose Reign His Majestys good Subjects of this province were happily incorporated by the present Royal Charter, and that the pictures be at full length, and Set up in the Council Chamber. [*Passed June 8.*<sup>2</sup>

Legislative Records of the Council, xvii., Mis., 68. Mass. Archives, xlix., 32.

Legislative Records of the Council, xvii. (2), 19. House Journal, pp. 18, 21.

## CHAPTER 6.

VOTE FOR CELEBRATING THE KINGS ACCESS<sup>n</sup>.

WHEREAS Monday the Eleventh Currant will be the happy Anniversary of the Accession of His Majesty KING GEORGE the Second to the Crown of Great Britain

*Voted* That the same be celebrated in the Court House on that day, and as a mark of the Loyalty of this Court to His most Excellent Majesty that the Door keeper be directed to Acquaint the sextons of the several Churches in Boston it is the desire of the Court the Bells may be rung out on that joyfull Occasion. [*Passed June 9.*

Legislative Records of the Council, xvii., Mis., 65. Mass. Archives, xlix., 33.

Legislative Records of the Council, xlii., 400; *ibid.*, xvii. (2), 19. House Journal, p. 26.

## CHAPTER 7.

## ORDER OF NOTICE ON THE PETITION OF THE FIRST PRECINCT IN BRIDGEWATER.

A PETITION of Ephraim Howard and John Ames, Agents for the first Precinct in Bridgewater ; Shewing that by the Setting off of the last Precinct they are so reduced as to be unable to support the Publick

Legislative Records of the Council, xvii. (2), 20.

<sup>1</sup> This date is according to Legislative Records of the Council, xvii., Mis. ; according to *ibid.*, xvii. (2), the date is June 9.

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis. ; according to Legislative Records of the Council, xvii. (2), the date is June 9.



House Journal, p. 25.  
*Ante*, p. 511,  
 chap. 85.

Worship of God among them; And therefore Praying that they may have some addition made to them from the other Preeincts and that a Committee may be sent to view the said Town and report hereon.

Read and

*Ordered* that the Petitioners seasonably serve the South and East Preeincts in Bridgewater with Copies of this Petition, that they shew cause if any they have on the first Fryday of the next Sitting of the Court why the Prayer thereof should not be granted. [*Passed June 9.* ♦]

Legislative  
 Records of the  
 Council, xvii.,  
 Mis., 68. Mass.  
 Archives,  
 cxiv., 431.

## CHAPTER 8.

### ORDER ERECTING ARLINGTON INTO A TOWNSHIP.

ON THE PETITION of Col. Josiah Willard in behalf & by Order of the Proprietors or Grantees of a new Township or plantation above Northfield in the County of Hampshire, sometimes called Arlington praying to be incorporated.

Read &

*Ordered* that the prayer of y<sup>e</sup> pet<sup>n</sup> be granted & y<sup>e</sup> pet<sup>r</sup> is allowed & impowred to prepare & bring in a Bill Aceord<sup>y</sup>. [*Passed June 9.*]

Mass.  
 Archives,  
 cxiv., 432.  
 Legislative  
 Records of the  
 Council,  
 xvii. (2), 21.  
 House Journal,  
 p. 23.  
 Province  
 Laws, ii., 990,  
 chap. 5. *Ante*,  
 p. 303, chap. 96.

## CHAPTER 9.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ABOUT THE LINE ON Y<sup>E</sup> COLONY OF RHOD ISLAND.

THE COMMITTEE appointed to take into consideration the Letter His Excellency the Governour has rec'd from Peter Bours Esq<sup>r</sup> & Others by order of the General Assembly of Rhode Island respecting the Gore of Land and the other part of the Controverted line between the two Governments dated June 6<sup>th</sup> 1739 having met & fully considered the Affair, Report as their Opinion That Commissioners be Appointed by this Government fully Authorized & Impowred for Settling the Divisional Line between this province and that Colony (which the Court apprehend very necessary for mentaining a good agreement between the Two Governments and for Composing and preventing any differences amongst the Borderers on the said line To meet with Commissioners from the Government of Rhode Island) and with them to Agree Compromise, Issue and finally settle the dividing line or boundary between that part of this Province which was formerly the Colony of New Plymouth and the said Colony of Rhode Island and the Conclusions & agreements signed sealed & perfected by the Commissioners of this Province with the Commissioners of Rhode Island shall be for ever held good and Valid by this Government, provided the Government of Rhode Island give the like full power to their Commissioners The Committee further report, That in Case the said Commissioners cannot agree upon the settlement of the said boundary line, That then the Commissioners on the part of this Province be further impowred to join with those on the part of that Colony mutually to choose & appoint seven Gentlemen (to meet at such time and place as the Commissioners of both Governments shall appoint) who shall be fully Authorized and impowred after a full hearing of both Parties finally to settle said boundary line always provided the agreement and determination of said seven Comissioners or the major part of them (provided they all

Legislative  
 Records of the  
 Council, xvii.,  
 Mis., 65. Mass.  
 Archives, vi.,  
 43.

Mass.  
 Archives, vi.,  
 43. Legislative  
 Records of the  
 Council,  
 xvii. (2), 20, 21,  
 22; *ibid.*, xvii.,  
 Mis., 64.  
 House Journal,  
 pp. 30, 31.  
*Ante*, p. 562,  
 chap. 208.

meet and Act in the Affair<sup>1)</sup> be in Writing under their hands & Seals Ready to be given to the Commissioners of each Government at or before the twentieth day of November next.

Which is Submitted.

Boston June 11. 1739.

EDWARD HUTCHINSON

by order of the Committee

Read &

*Ordered* that this Report be accepted. [*Passed June 11.*]

## CHAPTER 10.

### ORDER ON CHR: KILBYS PETITION DIRECTING THE ABATEMENT OF DUTY ON MERCHANDISE.

A PETITION of Christopher Kilby of Boston merchant, Shewing that the schooner Trial, George Willis master, from the Musketoes put into the port of Boston in a very leaky condition, being in part loaded with Sassaparilla and Logwood, which the Petitioner was obliged to put on board an other vessel (to send it abroad) that so he might stop the leaks in the said Schooner; And Praying that the duties of Impost on the said Goods may be remitted.

Read and

[*Ordered*] that the prayer of the petition be granted & the Commissioner of Impost is hereby ordered and directed to abate to the petitioner the Duty by Law Arising on the Importation of the Merchandize within mentioned. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xvii. (2), 24.  
Mass.  
Archives,  
lxiii., 516.

Mass.  
Archives,  
lxiii., 514.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 69.  
House Jour-  
nal, pp. 13, 21.

## CHAPTER 11.

### ORDER ALLOWING £6 TO JA<sup>S</sup> DUNNING.

A PETITION of James Dunning<sup>2</sup> of Brunswick; Shewing that on the 27<sup>th</sup> of April last his Dwelling house accidentally took fire and was wholly consumed with all that was in it, and among other things Bills of this Province to the amount of Eighteen Pounds belonging to the Petitioner were burnt to Ashes; And Praying that he be allowed the like sum out of the Publick Treasury.

Read and

*Ordered* That the Sum of Six pounds in Bills of Creditt of the New Tenor be Allowed & granted and paid out of y<sup>e</sup> Publick Treasury To the Petitioner in Consideration or Lieu of the Said Bills Consumed as set forth in His Petition. [*Passed June 12.*<sup>3</sup>]

Legislative  
Records of the  
Council,  
xvii. (2), 25.  
Mass.  
Archives,  
lxxxvii., 32.

Mass.  
Archives,  
lxxxvii., 33.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 83.  
House Jour-  
nal, pp. 30, 31.

<sup>1</sup> The words in parentheses are all underlined.

<sup>2</sup> The House Journal, p. 30, reads, "*Denny.*"

<sup>3</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is June 13.

## CHAPTER 12.

## ORDER CONFIRMING PLATS OF 250 ACRES OF LAND TO MRS HANNAH BRADLEY.

Legislative  
Records of the  
Council,  
xvii. (2), 26.  
Maps and  
Plans, Mis.,  
xxxv., 17.

Maps and  
Plans, Mis.,  
xxxv., 17.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 66.  
House Jour-  
nal, pp. 23, 24.  
*Ante*, p. 482,  
chap. 9.

HANNAH BRADLEY of Haverhill presented two Plats of land laid out by Richard Hazzen Survey<sup>r</sup> and two Chain men upon Oath, to satisfy a grant of Two Hundred and fifty acres of land made to her by this Court; the first Plat containing ninety acres being bounded as follows: At the Northerly Angle with a Black Oak mark'd. where Guttersons Land joins upon Dracont Line; thence running South about 21 Degrees East, adjoining on Guttersons and Richard Barker's land, about three hundred poles, till it comes to a Rock on the Edge of the Pond commonly called South Pond, and so bounded at the South-erly end, partly on said Pond and partly on Thomas Austins about one hundred and four poles to Dracont Line; and thence on Dracont Line about two hundred and eighty poles, to the bounds first mentioned: The second Plat which contains One Hundred and Sixty Acres being bounded at the South Easterly corner with a White Oak marked, on Haverhill Line, which is a bound of Woodmans Farm; thence running North on Haverhill Line two hundred and twenty eight poles to an other White Oak marked with B; thence West about one hundred & forty eight poles to a Stake and Stones by Cobbets Farm; thence running by Cobbets farm South about 18 Deg. East two hundred and forty one poles to a White Oak marked in a Swamp, which is a Bound of Woodmans Farm; thence East about seventy six poles to the first mention'd Bounds: both said Tracts of Land lying in the town of Methuen.

Read &

*Ordered* That the plats be Accepted and the Lands therein delineated be and hereby are confirmed to the said Hannah Bradley her heirs and Assigns, provided the plats exceed not the quantity of two Hundred and fifty Acres in the whole, and Neither of them interfere with any other or former Grant, and is in full satisfaction of the Grant within mentioned provided also the petitioner or her assigns fulfill the Conditions of y<sup>e</sup> Grant. [*Passed June 13.*]

## CHAPTER 13.

ORDER OF NOTICE ON THE PETITION OF THE INHAB<sup>s</sup> OF THE SOUTH PART OF STOUGHTON, TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (2), 28.  
Mass.  
Archives,  
cxiv., 427.

Mass.  
Archives,  
cxiv., 425.  
House Jour-  
nal, p. 36.  
*Ante*, p. 517,  
chap. 100.

A PETITION of John Hixon and Benjamin Johnson in behalf of a great number of persons Inhabitants of the South Part of the Town of Stoughton; Shewing that by reason of their great distance from the place of Public Worship, their families can have but little benefit thereof And therefore Praying that they may be set off a separate Precinct by the Bounds set forth in the Petition.

Read &

*Ordered* That the petitioners Serve the town of stoughton with a Copy of y<sup>e</sup> petition that they shew Cause if any they have on the first thursday of the next Sitting of y<sup>e</sup> Court why the prayer thereof should not be granted. [*Passed June 14.*]

## CHAPTER 14.

ORDER WITH NOTICE ON THE PETITION OF JN<sup>o</sup> HIGGINSON ESQ<sup>R</sup>.ON THE PETITION of John Higginson Esq<sup>r</sup> [*ante*, p. 497, chap. 51]

Read and

*Ordered* that the further Consideration of this Petition be referred to the Second Tuesday of the Fall Session and that in the mean time the Petitioner Serve the Clerk of the prop<sup>rs</sup> or Some principal prop<sup>r</sup> of Falmouth with a Copy of this petition and Orders thereon. [*Passed June 16.*]

Legislative Records of the Council, xvii. (2), 33. Mass. Archives, vi., 512.  
Mass. Archives, vi., 510. House Journal, p. 44. *Ante*, p. 518, chap. 102.

## CHAPTER 15.

ORDER APPOINTING A COMMISSIONER ON THE PETITION OF JAC. WENDELL ESQ. AND CH. APTHORP TO EXAMINE THE CLAIMS AGAINST AN ESTATE.

A PETITION of Jacob Wendell Esq<sup>r</sup> and Charles Apthorp, Executors of the last Will and Testament of Edward Mills late of Boston merchant dec<sup>d</sup> Shewing that in Septemb<sup>r</sup> 1734 they represented the Estate of the said Edward Mills insolvent, and that thereupon the Judge of Probate for the County of Suffolk appointed Commissioners to examine the claims of the Creditors, who proceeded in the said business, but thro' inadvertency never made any return to the said Judge till the time limited by law was expired; And therefore Praying that the said Judge may be impowered to grant a new Commission to the same or other fit Persons, allowing them six months for the said business.

Read and

*Ordered* That the Judge for Probate of wills &c within the County of suffolk be and hereby is impowrd and directed to appoint the same or other Commissioners to examine the Claims to the Estate of the within named Edward Mills and to allow them three or six months to give in their Report that so the deceaseds Estate may be proportioned among the Creditors without further Delay. [*Passed June 16.*<sup>1</sup>]

Legislative Records of the Council, xvii. (2), 47. Mass. Archives, xvii., 579.  
Mass. Archives, xvii., 578. Legislative Records of the Council, xvii., 74. House Journal, pp. 45, 46.

## CHAPTER 16.

ORDER IMPOWERING JOHN STEVENS TO FILE AN APPEAL FROM A JUDGMENT.

A PETITION of John Stevens of Glocester in the County of Essex, shewing that he commenced an Action at the Inferior Court of Common Pleas held at Salem in March last, against John Clark and John Elkins, and Judgement went against the Petitioner, from which he Appealed to the Superior Court of Judicature held in May last; but thro' the neglect of his Attorney failed of filing his reasons of Appeal; therefore Praying that he may have a Trial of his Appeal at the next Superior Court for said County.

Read together with the Answer of John Clark And the Matter being fully considered;

*Ordered* that the Prayer of the Petition be so far granted as that

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is June 20.

Legislative Records of the Council, xvii. (2), 17. Mass. Archives, xli., 349.  
Mass. Archives, xli., 346. Legislative Records of the Council, xvii. (2), 33; *ibid.*, xvii., Mis., 73. House Journal, pp. 26, 47.



the Petitioner is hereby allowed to file his Reasons of Appeal from the Judgem<sup>t</sup> of the Inferior Court of Common Pleas for the County of Essex on the Action within mentioned, in the Method directed to by Law, And that the Justices of the Superior Court of Judicature be & hereby are impowered & directed at their next Session in the said County to Hear & Determine the said Action accordingly, & give Judgem<sup>t</sup> therein & award Execution thereon; The Costs hitherto sustained to remain as they are, And the Respondent John Clark to be notified of this Order at least fourteen Days before the Sitting of the said Sup<sup>r</sup> Court. [*Passed June 18.*<sup>1</sup>]

## CHAPTER 17.

### ORDER ANNEXING DIVERS PERSONS AND THEIR ESTATES TO THE NEW PRECINCT ERECTED OUT OF MARSHFIELD AND SCITUATE.

Legislative  
Records of the  
Council, xvii.  
(2), 34.  
Mass.  
Archives,  
cxiv., 338.

Mass.  
Archives,  
cxiv., 339.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 77.  
House Jour-  
nal, p. 49.  
*Ante*, p. 532,  
chap. 132.

A SUBSCRIPTION presented by Nathaniel Eames, according to the Order of this Court of the following persons, signifying their Consent to be joined to the new Precinct in Marshfield and Scituate, viz<sup>t</sup> Timothy Rogers, Israel Hatch Jun<sup>r</sup> Joshua Lapham, Joseph Lapham Jun<sup>r</sup> William Sherman Jun<sup>r</sup> Elisha Jones, Ebenezer Jones, William Jones, Gershom Ewell, Ebenezer Sherman, Ebenezer Sherman Jun<sup>r</sup> Joseph King and Samuel Lapham:

Read &

*Ordered* that the Persons mentioned in the foregoing List with their Estates within the Bounds of the Precinct erected at the Northerly part of Marshfield & Southerly Part of Scituate in Answer to the Petition of Nathaniel Eames &c. be added to & incorporated with the Said precinct pursuant to the Order of this Court pass'd at the Session held the Nineteenth of November last there to do duty & receive Privilege Accordingly. [*Passed June 18.*<sup>1</sup>]

## CHAPTER 18.

### ORDER WITH NOTICE REFERRING THE LITCHFIELD PETITION IN REGARD TO TAXATION.

Legislative  
Records of the  
Council, xvii.  
(2), 35.  
Mass.  
Archives,  
cxiv., 503.

Mass.  
Archives,  
cxiv., 502.  
House Jour-  
nal, p. 40.

A PETITION of Nathan Kendal and others Agents for the Town of Litchfield; Praying that the Inhabitants of said Town may be impowered to lay a Tax of Two pence per Acre for the space of three years upon all the lands in said Town, to be applied towards the finishing their Meeting House and settling of a Minister among them.

Read &

*Ordered* that the pet<sup>rs</sup> Notifie all the Nonresident proprietors of Lands within the said township of Litchfield with the subject Matter of this petition & y<sup>e</sup> prayer thereof by publishing the same in the Boston News papers for the space of four weeks at least successively, that so they may shew Cause if any they have on the second friday of the next sitting of the Court why the prayer thereof should not be granted, and the petition is referred in the Meantime for Consideration. [*Passed June 18.*<sup>2</sup>]

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is June 16.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (2), the date is June 16.



## CHAPTER 19.

## ORDER IMPOWERING SARAH FLETCHER TO JOIN WITH GUARDIANS OF MINORS, IN SALE OF LAND.

A PETITION of Sarah Fletcher lately Widow & Administ<sup>r</sup> of Hezekiah Townsend (of that part of Lancaster which is now called Bolton) dec<sup>d</sup> intestate; Shewing that the said Intestate left an Estate in lands of considerable value, which is incapable of a division; And therefore Praying (with the consent of the Children of her late husband who are of age, and of the Guardians of those that are under Age) that the said Estate may be sold, which will make it much more beneficial to the Children of the deceased.

Read and

*Ordered* that the Prayer of the Petition be granted and that the Guardian or Guardians Appointed or that shall be Appointed to the said Obadiah and Thomas Townsend be and hereby are fully Authorized and Impowered to Joyn with the other Heirs in making Sale of the Lands the Deceased Died Seized off for the most the same will fetch Publick Notice thereof being given of the time and place of Sale at least Thirty Days before said Sale by Posting up Notifications in the Town where the lands lye and the Two next Adjacent Towns, and in the Shire Town of the County And Also to Publish the same in the Boston Gazette, The Money arising by the Sale to be Distributed amongst the Heirs Agreeable to the Law for the Division of Intestate Estates The Widow of the Deceased to have the Improvement of One third part thereof during her Life Provided she give Sufficient Security to the Judge of Probate for the County of Worcester that the same shall be return'd to the Heirs of the Deceased or their legal Representatives at her Decease, and that such part or portion there of that belongs to said minors be put out on Interest till they shall Arrive to the Age of Twenty One Years or day of Mariage. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xvii. (2), 37.  
Mass.  
Archives,  
xvii., 585.  
Mass.  
Archives,  
xvii., 586-590.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 71.  
House Jour-  
nal, p. 49.

## CHAPTER 20.

ORDER ALLOWING JOS<sup>A</sup> JONES £5 PER ANNUM FOR FIVE YEARS.

A PETITION of Josiah Jones of Concord; Shewing that whereas this Court did in the year 1735 settle upon him for three years a Pension of Five Pounds per annum in Bills of the new Tenor, in consideration of the wounds he received of the Indians at the fight at Pigwacket, the Petitioner is still disabled from supporting himself and his family; And therefore Praying that his Pension may be continued.

Read &

*Ordered* That the prayer of the petition be granted and the petitioners stipend of Five pounds p<sup>a</sup> Annum New tenour Bills is hereby revived, & continued to be paid him for the space of five years to Commence from the Month of March last in Consideration of the Wounds & Misfortunes consequent thereon recieved at pigwacket Fight &c as within mentioned. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xvii. (2), 38.  
Mass.  
Archives,  
lxxii., 477.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 73.  
House Jour-  
nal, pp. 30, 42.  
*Ante*, p. 245,  
chap. 271.

## CHAPTER 21.

## ORDER IMPOWERING RUTH JONES AS ADMINISTRATRIX TO SELL PROPERTY.

Legislative  
Records of the  
Council,  
xvii., 2, 39.  
Mass.  
Archives,  
xvi., 82.

Mass.  
Archives,  
xvi., 81–83.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 74.  
House Jour-  
nal, pp. 37, 44.

A PETITION of Ruth Jones Widow and Administ<sup>r</sup> of Bartholomew Jones late of Concord dec<sup>d</sup> Shewing that the said Bartholomew was a Grantee of the Township on Ashuelet River and purchased four rights in the Townships between Connecticut River and Merrimack River, and did not in his life time perform what he was obliged to, for the Settlem<sup>t</sup> of them; And therefore Praying that she may be im-  
powered to sell the said five Rights to such as may perform the duty.

Read and

*Ordered* that the Prayer of the Petition be granted and that the Pet<sup>r</sup> in her s<sup>d</sup> Capacity be and hereby is fully Authorized and Impowered to make sale of the five rights of Land mentioned in the Pet<sup>n</sup> for the most the same will fetch (She giving publick notice of the time and place of Sale) to such person or persons as shall give good bond to comply with the terms and conditions of the Several Grants Provided She give Sufficient Security to the Judge of Probate for the County of Middlesex to Account for the Money arising by virtue of s<sup>d</sup> Sale. [*Passed June 19.*]

## CHAPTER 22.

## ORDER CONFIRMING A PLAT OF 1,206 ACRES OF LAND FOR JOHN WELD &amp; OTHERS, OF ROXBURY.

Legislative  
Records of the  
Council,  
xvii. (2), 40.  
Maps and  
Plans, Mis.,  
xii., 14.

Maps and  
Plans, Mis.,  
xii., 14. Legis-  
lative Records  
of the Council,  
xvii., Mis., 72.  
House Jour-  
nal, pp. 37, 38.  
Province  
Laws, xi., 697,  
chap. 116.  
*Ante*, p. 56,  
chap. 112.

A PLAT of One Thousand, Two Hundred and Six Acres of Land, (being the remainder of 4,000 acres of Land formerly granted to the Town of Roxbury) laid out by Cpt Josiah Willard Survey<sup>r</sup> and Chain men upon Oath, to fulfill a grant of this Court to John Weld and others of Roxbury descendants of some of those persons to whom the said 4,000 Acres was granted; Adjoining to a former grant made to the Proprietors of Arlington for a midway House between that and Lunenburgh at a place called Priests Farm, bounded as follows: viz<sup>t</sup> Beginning at a White Pine Tree mark'd for the North East Corner with the letters I W; thence running West 6 Deg. North one mile three quarters and six rods to a Pillar of Stones; thence South 18½ Deg. East one mile and one hundred and fifty six rods to a Pillar of Stones; thence East one mile and eighty six rods to a Stake; thence North 29. Deg. West running on the line of the said Priests Farm two hundred and thirty seven rods; thence East on the said Farm one hundred and fifty two rods to a White Pine tree mark'd; thence North 8. Deg. West one hundred and eighty six rods to the place first mentioned.

Read and

*Ordered* That the plat be Accepted, and the Lands therein delineated & described be & hereby are confirmed to the Said John Weld and others the descendants & legal Representatives of the proprietors of that part of the said Grant not heretofore taken up, and to their heirs & Assigns respectively for Ever, and is in full satisfaction of the said Grant, provided the plat exceeds not the quantity of twelve hundred and six Acres of Land with the allowance within mentioned, and does not interfere with any former Grant. [*Passed June 19.*]

## CHAPTER 23.

ORDER OF NOTICE ON THE PETITION OF THO<sup>S</sup> GILBERT & OTHERS  
OF BROOKFIELD FOR LEAVE TO REMOVE OBSTRUCTIONS FROM THE  
CHICOPEE RIVER.

A PETITION of Thomas Gilbert and a great number of others in the Town of Brookfield; Shewing that there are divers Bars of Rocks in that part of the River called Chickabee River which lies in the Town of Springfield, which prevent the fish called Shad and other Fish in Connecticut River from coming up into the Ponds in the said Town of Brookfield; And therefore Praying that the Petitioners may be allowed to remove the said Rocks that so the fish may come up; and that the Petitioners and their Heirs with such as shall join with them in the charge, may have sole benefit of the said fishery for such term of years as this Court shall think fit.

Read &

*Ordered* That the pet<sup>rs</sup> Notifie & serve the town of springfield with a Copy of the petition that they shew Cause if any they have on saturday the seventh day of July next if the Court be then sitting, if not on the first thursday of the next sitting of the Court why the prayer thereof should not be granted, & the petition is referred in the Mean time for Consideration. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xvii. (2), 41.  
Mass.  
Archives,  
lxxxvii., 396.

Mass.  
Archives,  
lxxxvii., 395-  
397. House  
Journal, p. 45.

## CHAPTER 24.

ORDER IMPOWERING BENJ<sup>A</sup> & MARTHA GREEN TO SELL REAL ESTATE.

A PETITION of Benjamin Green and Martha his Wife late widow of Isaac Adams of Holliston and Samuel Green and Martha Green daughter of the said Isaac Adams, in behalf of Elisabeth Adams and Abigail Adams his other children now in their minority; shewing that the said Adams died intestate in the year 1730. without issue male and siezed of lands and buildings which rent for no more than six pounds a year, thô it is probable they will sell for near one thousand pounds; And therefore Praying that this Court would empower them to sell the said Estate for the greater benefit of the Children of the Intestate.

Read together with the Certificate from the select Men of the town of Holliston and the same being considered

*Ordered* that the prayer of the petition be granted, and the petitioners are allowed & impowred to make sale of the Intestates Estate in Holliston aforesaid to the person or persons who shall give most for the same & to exeunte in due form of Law a good Deed or Deeds thereof to the purchaser & purchasers giving Notice according to Law of the time & place of the sale of the premises; and also sufficient Caution to the Judge of probate of Wills &c for the County of Middlesex that the Minors part of the sale of the premises, (viz<sup>t</sup> the within named Elisabeth Adams & abigail Adams,) Shall be let out at Interest for their use on good security & paid & applied for them during their Minority as the Convenience & Circumstance may Call for on their behalf; the principal and Interest of their parts to be paid them as they shall respectively arrive at age or be married; and also that the petitioners Wife Martha Green late widow of the said Isaac Adams give Caution to the Judge of probate afore said, that her thirds or Dowry which may arise by the proceeds of the sale of the premises shall at her decease

Legislative  
Records of the  
Council,  
xvii. (2), 42.  
Mass.  
Archives,  
xvii., 576.

Mass.  
Archives,  
xvii., 575-577.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 70.  
House Journal,  
p. 50.

be paid to the heirs & legal Representatives of her said late Husband Isaac Adams deceased, and distributed to and among them according to Law. [*Passed June 19.*]

## CHAPTER 25.

ORDER ON THE REPORT ON THE PETITION OF BENJ. TARR & OTHERS  
OF GLOCESTER IN REGARD TO A MINISTERIAL TAX.

Legislative  
Records of the  
Council,  
xvii., Mis., 82.  
Mass.  
Archives, xi.,  
505.

Mass.  
Archives, xi.,  
504. Legisla-  
tive Records of  
the Council,  
xvii. (2), 29.  
House Jour-  
nal, p. 54.  
*Ante*, p. 532,  
chap. 131.

THE COMMITTEE to whom was referred the Petition of Benjamin Tarr, John Davis Jabez Barker and Others Inhabitants of the Easterly part of the first Parish in Glocester, called the Cape praying for some Abatement of their Ministerial Tax. by reason of their remoteness from the place of Publick Worship in said Parish, as Entered the fifth of January last in obedience to the Order of Court have repaired to Glocester, viewed the situation & Circumstances of the Petitioners heard the Parties thereon and after mature Consideration, Humbly report their Opinion that the Prayer of the Petition be granted And that the Petitioners be allowed & impowered to receive by way of Drawback out of the Parish Treasury One fourth part of what they shall Annually be charged or taxed to the Ministerial rate there so long as the petitioners shall have a Minister to preach among them the three Winter Months the better to enable them to support that charge. Which is Humbly submitted in the Name of the Committee.

EBEN<sup>R</sup> BURRILL.

Read &

*Ordered* that this Report be accepted. [*Passed June 20.*<sup>1</sup>]

## CHAPTER 26.

ORDER ON THE PETITION OF THE INHABITANTS OF BARRINGTON  
IN REGARD TO THE SALARY OF REV<sup>D</sup> MR. PELEG HEATH.

Legislative  
Records of the  
Council,  
xvii. (2), 44.  
Mass.  
Archives, xii.,  
20.

Mass.  
Archives, xii.,  
17. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 102.  
House Jour-  
nal, pp. 35, 51.  
*Ante*, p. 554,  
chap. 188.

ON THE PETITION of the Inhabitants of Barrington [*ante*, p. 554, chap. 188]

*Voted* That the Justices of the Sup<sup>r</sup> Court of Judicature &<sup>c</sup> holden at Bristol upon the fourth tuesday of October last past, upon the Complaint of the Rev<sup>d</sup> M<sup>r</sup> peleg Heath, did not pursue the directions of the Law of this province in Such Case made & provided that therefore the whole of the proceedings upon said Complaint be & hereby are declared Null & Void, & that upon any New Complaint to be brought by M<sup>r</sup> Heath to the Court of General Sessions of the peace for the said County of Bristol touching his Sallary, the Justices of the said Court be directed & impowered to recieve the Same & to Act therein according to Law. [*Passed June 20.*]

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is June 14.



## CHAPTER 27.

VOTE ON THE PETITION OF PAUL UTPEETKOW AND OTHERS INDIANS  
OF HOUSATANUCK IN REGARD TO EQUIVALENT LANDS.

A PETITION of Paul Umpeetkow & Nicholas Uhwanmut for themselves and other of the Housatanuck Indians; Praying that they may be impowered to exchange some of their Wood land adjoining Westerly and Southerly on the Indian Town with Ephraim Williams Esq<sup>r</sup> for certain Interval and other Land lying commodiously for them, which he purchased of Joachin Van Valkenburgh, according to the Plat given in.

Legislative  
Records of the  
Council,  
xvii. (2), 46.  
Mass.  
Archives,  
xxxI., 238.

Read and forasmuch as it may greatly Serve the Indians that are already Settled with the petitioners as well as encourage others to come among them, if the Lands which the said Ephraim Williams and partners have purchased of Joachin Vanvalkenburgh be purchased for them

Mass.  
Archives,  
xxxI., 239.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 78.  
House Jour-  
nal, p. 40.  
*Infra*, chap. 29.

*Voted* That an Equivalent be granted by this province to the said Williams in lieu thereof, and Although the Lands included in the plan contain four thousand Acres yet considering the Situation of the said Joachin's Land the same lying within a quarter of a Mile of the Meeting House and is very valuable Land, and also the remoteness of the Four Thousand Acres this Court Account the same not more than a just & suitable Equivalent and therefore that the honourable John Stoddard of Northampton Esq<sup>r</sup> be desired and impowred to recieve of the said Ephraim Williams Esq<sup>r</sup> and partners a good Deed of the said Lands well executed to the said Indians; and that thereupon the said Four thousand Acres of Land as described in the said plan (provided it contains no more, and does not interfere with any former Grant of this Court) be confirmed to the said Ephraim Williams Esq<sup>r</sup> and partners their Heirs & assigns respectively for ever, provided also the said Ephraim Williams Esq<sup>r</sup> and partners purchase the Native Right of the Indians. [*Passed June 20.*]

## CHAPTER 28.

ORDER OF NOTICE ON THE PETITION OF ABIEL WALLEY ESQ<sup>R</sup> FOR  
CONFIRMATION OF A JUDGMENT.

A PETITION of Abiel Walley of Boston Esq<sup>r</sup> Shewing that he recovered Judgement at the Inferior Court of Common Pleas for the County of Suffolk held in January last, against William Vaughan for the sum of £433. 8. 6 and Cost, from which the said Vaughan appealed to the Superior Court, but failed of prosecuting his Appeal; but thro' mistake the Petitioner omitted filing his Complaint; And therefore Praying that he may be allowed to file his complaint against the said Vaughan at the next Superior Court, in order to have a Confirmation of Judgement, with additional Costs.

Legislative  
Records of the  
Council,  
xvii. (2), 48.  
House Jour-  
nal, p. 55.

Read and

*Ordered* that the Petitioner serve the adverse party the said William Vaughan or his Attorney with a copy of the Petition, that he shew cause if any he hath on the first Tuesday of the next Sitting of the Court; why the Prayer thereof should not be granted; and the Petition is refer'd in the mean time for consideration. [*Passed June 20.*]



## CHAPTER 29.

Legislative  
Records of the  
Council,  
xvii. (2), 48.  
Mass.  
Archives,  
xxxI., 237.

Mass.  
Archives,  
xxxI., 236.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 75.  
House Jour-  
nal, p. 40.  
Province  
Laws, ii., 361,  
chap. 6. *Ante*,  
p. 384, chap. 54;  
p. 581, chap. 27.

ORDER ON THE PETITION OF EPHRAIM WILLIAMS ESQ<sup>r</sup> AND OTHERS  
TO BE ERECTED INTO A TOWNSHIP.

A PETITION of Ephraim Williams Esq<sup>r</sup> an Inhabitant of the Indian Town at Housatanuck; Shewing that there are about forty families of English and Indians settled there, that they have a learned orthodox Minister settled among them, and that there is a good convenient House for the worship of God erected there, but for want of having the Privileges of a Town they suffer many inconveniences; And therefore Praying in behalf of said Inhabitants that they may be made a Township.

Read and

*Ordered* That the prayer of the petition be granted, and the petitioner is allowed & impowrd to prepare & bring in a Bill for incorporating the Indian plantation within mentioned into a seperate & distinct township accordingly. [*Passed June 20.*]

## CHAPTER 30.

VOTE ON THE PET<sup>ION</sup> OF JOHN KUNKAPOT & OTHERS INDIANS OF  
HOUSATANUCK, IN REGARD TO THEIR TITLE TO LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 45.  
Mass.  
Archives,  
xxxI., 210.

Mass.  
Archives,  
xxxI., 241.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 75.  
House Jour-  
nal, p. 181  
(December,  
1735); pp. 29,  
22, 39. *Ante*,  
p. 245, chap.  
272; p. 508,  
chap. 79.  
*Supra*, chap.  
29.

A PETITION of John Pophnehonowet alias Kunkapot and others, Indians of the Housatanuck Tribe, complaining of great molestation and disturbance they have received from one Elias Van Sekoik, so that they can not enjoy their just rights in the Township which has been laid out for them by Order of this Governm<sup>t</sup>; Praying for relief in the premisses, and that this Court would order a Division of the Township among the several Grantees.

Read and upon due Enquirey into the facts within Sett forth, relating to Elias Vanschoie and full Consideration had thereon, it appears that the s<sup>d</sup> Elias had but one right granted him by the Settling Committee for the Houseatunock Towns and that he had bought three rights more of other Grantees all w<sup>ch</sup> were granted upon certain Conditions of Settlement, and that neither the S<sup>d</sup> Elias on his Own right or on the three rights he bought, nor those he bought of have Complied with the Conditions of the respective Grants there not being So much as one house built on either of s<sup>d</sup> lotts, nor any family on any of them and altho' he has made Considerable Improvements thereon yet by Credible Information the Land is not so valuable as when it remained unimproved.

*Voted* therefore that the s<sup>d</sup> four rights are justly forfeited to the province, and that as to the other two rights, he has not the least pretence to any title thereto, And forasmuch as it also appears that the S<sup>d</sup> Elias is a person of a very turbulent and haughty Spirit, that he is often disturbing the quiet of the Indians, and has thereby rendered himself very obnoxious to them & should he Continue among them it would greatly discourage the Indians from Settling and Continuing there whereby the good Intentions of the Governm<sup>t</sup> in making the Grant of the Town to the Indians would be frustrated, It is therefore

*Ordered* that Joseph Dwight of Brookfield in the County of Worcester Esq<sup>r</sup> be and hereby is appointed and Impowred in the name of this Governm<sup>t</sup> by Lawful process to Eject the s<sup>d</sup> Elias off from the s<sup>d</sup> Lands at the next Inferiour Court of Comon pleas to be held at Springfield in and for the County of Hampshire in August next, and to pursue the

S<sup>d</sup> process to final Judgment But inasmuch as the s<sup>d</sup> Elias was one of the first persons who Improved Land there and was of Some Service in the first Settlement of the place it is hereby

*Voted* and declared that in Case the s<sup>d</sup> Elias will timely and quietly resign up the s<sup>d</sup> four rights, for the use of the Indians Inhabiting or that shall hereafter Inhabit there, the Settling Committee So Called for the Housatunock Towns shall allow him a full equivalent for two rights in the upper Housatunock Town if there to be found, if not in Some of the unappropriated Lands of the province, and they are desired to offer him the Same So Soon as that there may be time for prosecuting the s<sup>d</sup> Writ of Ejectment in Case of his non compliance

And for as much as it will be of great Service to the Indians to have the Meadow Lands divided amongst them

*Voted* that the Honorable John Stoddard Esq<sup>r</sup> and Ephraim Williams Esq<sup>r</sup> be appointed and Impowered to See the Same done, that so the Indians may hold their parts in Severalty. [*Passed June 21.*<sup>1</sup>

## CHAPTER 31.

### VOTE IMPOWERING THE PROVINCE TREASURER TO PAY THE BOUNTY ON FLAX & HEMP.

This COURT being informed that sundry persons who are justly entitled to the premiums granted or allowed by law for the encouraging the raising of Hemp & Flax within this Province, & have received proper certificates from the respective surveyors but have not seasonably applied themselves to the Treasurer for the same,

*Voted* That the Treasurer be & hereby is impowred & directed to Answer all such Certificates for said premiums as shall come duly Authenticated, provided they be presented to Mr Treasurer at or before the last day of July next. [*Passed June 22.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 90. Mass.  
Archives, i.,  
137.

Legislative  
Records of the  
Council,  
xvii. (2), 51.  
House Jour-  
nal, p. 52.  
Province  
Laws, ii., 737,  
chap. 15.

## CHAPTER 32.

### ORDER FOR A TOWN MEETING AT WINCHESTER.

*Ordered*, That Col<sup>o</sup> Josiah Willard One of the principal Inhabitants of the New Township called Winchester, lying in the County of Hampshire be and hereby is allowed and Impowered to Notify and Warn the Inhabitants of said Township to Assemble and Convene in some convenient public Place in said Town to make Choice of a Town Clerk and other Town Officers to stand until the Anniversary Meeting in March next.<sup>2</sup> [*Passed June 22.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 79. Mass.  
Archives,  
cxiv., 437.

Legislative  
Records of the  
Council,  
xvii. (2), 52,  
103. House  
Journal, pp. 23,  
62. *Ante*,  
p. 572, chap. 8.  
*Post*, p. 585,  
chap. 36.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is June 20.

<sup>2</sup> This town was first called "the new plantation of Arlington" (Province Laws, ii., 990, chap. 5), and was incorporated as Winchester by the act just cited, which was passed on June 16, and signed by the Governor on June 20. Meantime there appears in the Mass. Archives, cxiv., 433, as of June 18, a substantial duplicate of the record above printed, except that the place is called "the new plantation or township" of Arlington. But no signature in fact appears, and the record is not found in the House Journal. The record above printed, however, bears the Governor's autograph signature. See also the action of June 8, 1739, House Journal, p. 23.

## CHAPTER 33.

ORDER ALLOWING TO SAM<sup>l</sup> WARNER THE BOUNTY ON A WOLF  
KILLED.

Legislative  
Records of the  
Council,  
xvii. (2), 52.  
Mass.  
Archives, i.,  
135.

Mass.  
Archives, i.,  
134–136. Legis-  
lative Records  
of the Council,  
xvii., Mis., 82.  
House Jour-  
nal, p. 48.  
Province  
Laws, ii., 842,  
chap. 23.

A PETITION of Samuel Warner of Hatfield; Shewing that in February 1737 he catch'd a wolf in a trap he set in the said Town, but by reason of sickness he was not able to go to the Trap till the Ears and most of the Head were much eaten and defaced; so that he cannot obtain a proper certificate; And therefore Praying that this Court would direct the Treasurer to pay him the bounty for said Wolf.

Read and

*Ordered* that the prayer of the petition be granted and accordingly that there be allowed to be paid out of the publick treasury to the s<sup>t</sup> Samuel Warner or Order the premium by Law due for killing a Wolfe. [*Passed June 22.*]

## CHAPTER 34.

## ORDER ALLOWING THE TOWN OF WESFORD £4. 19. 11.

Legislative  
Records of the  
Council,  
xvii. (2), 52.  
Mass.  
Archives,  
cxiv., 357.

Mass.  
Archives,  
cxiv., 355, 356.  
Legislative  
Records of the  
Council,  
xvii. (2), 35;  
*ibid.*, xvii.,  
Mis., 79.  
House Jour-  
nal, p. 38.  
Province  
Laws, ii., 730.

A PETITION of Thomas Read Representative of the Town of Wesford;<sup>1</sup> Praying that the Fine laid on the said Town for not sending a Representative in the year 1734 may be remitted to them, in consideration of their disability & the smallness of their numbers.

Read &

*Ordered* That the prayer of the petition be granted, & the Fine within mentioned is hereby remitted, & the sum of Four pounds Nineteen shillings & Eleven pence of the New tenour bills is Accordingly granted & Allowed to be paid to the petitioner Cap<sup>t</sup> Thomas Read for the use & behoof of the town of Wesford, to reimburse said town the said Fine Accordingly. [*Passed June 22.*<sup>1</sup>]

## CHAPTER 35.

VOTE ALLOWING £125 TO LIEUT<sup>t</sup> JOHN LARRABEE AND GRANTING  
TO HIM 500 ACRES OF LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 53.  
Mass.  
Archives,  
lxxii., 479.

Mass.  
Archives,  
lxxii., 478.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 79.  
House Jour-  
nal, p. 60.

A PETITION of John Larrabee Lieutenant of His Majestys Castle William; Shewing that he has served in said garrison thirty two years and as Lieuten<sup>t</sup> seventeen years, that his pay has been very inconsiderable in respect to the support of a family, besides which he has been put to great expence for entertaining Strangers that resort thither, all which has brought him into great difficulties; And therefore Praying that his wages may be raised, or that he may be in some other way relieved, as to the Justice and Goodness of this Court may seem meet.

Read and forasmuch as it appears that the petitioner for divers years past has been necessarily exposed to great Expence in the prudent management of his post beyond what his Allowance could afford, And that he has but small or no perquisites as other officers of the Government usually have, and in Consideration the petitioner has for many

<sup>1</sup> This date is according to Mass. Archives, cxiv., 357. A similar order appears in Legislative Records of the Council, xvii. (2), 35, and Mass. Archives, cxiv., 356, dated respectively June 16 and 18; according to Legislative Records of the Council, xvii., Mis., the date is June 22.

years sustained his post, and discharged his duty with great prudence & Faithfulness, and has supported the Honour & dignity of the Government at very considerable Expence of his own

*Voted* that the sum of One Hundred and seventy five pounds of the New tenour Bills be granted and allowed to be paid out of the publick treasury to the Petitioner; and further that Five hundred Acres of the unappropriated Lands of the province be and hereby is given & granted to the petitioner his Heirs & assigns in further Consideration of his said services & Expences, & y<sup>t</sup> he be allowed & impowred by a surveyor & Chain Men on Oath to survey & lay out the same adjoining to Some former Grant & return a plat thereof to this Court for Confirmation within twelve Months. [*Passed June 22.*]

## CHAPTER 36.

VOTE AUTHORIZING THE TOWN OF WINCHESTER TO LEVY A TAX OF ONE PENNY PER ACRE, AND APPOINTING A COMMITTEE TO SURVEY THE PROVINCE OF NORTHFIELD AND TAKE A PLAT OF THE WINCHESTER (ARLINGTON) PLANTATION.

A PETITION of Josiah Willard Esq<sup>r</sup> Agent for the Town of Arlington (now Winchester) Praying that the Inhabitants may be allowed to lay a tax of one peny per acre on the unimproved lands there for the Ministerial and Town charges for the space of three years, and that this Court would allow them an Equivalent in the unappropriated lands of the Province for two or three thousand Acres which in laying out the said Town thrô mistake they have run in upon the Town of Northfield, which will be necessarily taken off from Arlington (now Winchester) Plat.

Read and

*Voted* in consideration of the infant state of the said Plantation there be and hereby is granted a Tax of one peny in Bills of the old Tenour on each Acre of the unimproved lands within the said Plantation or Township, to be paid by each Proprietor yearly for the space of three years next coming, for and towards the support of the Gospel Ministry there, and the said Lands are subjected to the payment of the said Tax. And forasmuch as it is probable that the Plat of the said Plantation returned and confirmed by this Court infringes upon the Township of Northfield:

*Ordered* that Eleazar Porter Esq<sup>r</sup> and M<sup>r</sup> Oliver Patridge be and hereby are appointed a Committee and impowred at the charge of the Grantees to repair to the spot & survey the lands belonging to the said Township of Northfield and taken into the Plat of the said Plantation, & make Return to this Court of the contents of the land so platted and of their opinion what may be proper for the Court to do thereon. [*Passed June 22.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xvii. (2), 54.

Mass.  
Archives,  
cxiv., 390.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 81.  
House Jour-  
nal, pp. 53, 60,  
63. Province  
Laws, xi., 725,  
chap. 34.

## CHAPTER 37.

ORDER OF NOTICE ON THE PETITION OF ROBERT CHOAT AND OTHERS PRAYING FOR A TAX FOR THE SUPPORT OF THE MINISTRY.

A PETITION of Robert Choat and others Agents for the Precinct of Chebacco in the Town of Ipswich, praying that this Court would order

Legislative  
Records of the  
Council,

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is June 20.



xvii. (2), 55.  
Mass.  
Archives,  
cxiv., 415.

Mass.  
Archives,  
cxiv., 412-417.  
House Jour-  
nal, pp. 56, 57.

that all the lands lying within the said Precinct belonging to the Inhabitants of the first Parish, be taxed to the support of the Ministry in Chebacco and that if the Inhabitants of Chebacco should have any lands in the said first parish that they should likewise pay to the support of the Ministry where the lands ly.

Read &

*Ordered* That the petitioners Serve the first and third parishes in Ipswich with Copys of this petition that they shew Cause if any they have on the first Wednesday of the next sitting of the Court why the prayer thereof should not be granted, and the petition is referred for Consideration in the mean time.<sup>1</sup> [*Passed June 22.*]

## CHAPTER 38.

ORDER GRANTING TO SAM<sup>L</sup> MARSHALL ADMINISTRATOR FURTHER TIME TO SETTLE AN ESTATE.

Legislative  
Records of the  
Council, xvii.  
xvii. (2), 56.  
Mass.  
Archives,  
xvii., 574.

Mass.  
Archives,  
xvii., 573.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 86.  
House Jour-  
nal, pp. 41, 65.  
*Ante*, p. 381,  
chap. 49.

A PETITION of Samuel Marshall Administrator of the Estate of George Campbell late of Boston in the County of Suffolk dec<sup>d</sup> intestate; Shewing that whereas the Judge of Probate for the said County agreeable to a former Order of this Court did lengthen out the time for the Commissioners examining the claims on the said Estate, the Petitioner has employed the said time with all diligence for the perfecting the said affair. but by reason of the entangled circumstances of the said Estate, matters could not be perfected within the time allowed; And therefore Praying that this Court would empower the said Judge of Probate to allow the Commissioners twelve months more for perfecting and bringing in their Report of Claims:

Read &

*Ordered* that the Judge of Probate for the County of Suffolk be & hereby is empowered & directed to appoint the same or other Commissioners to examine the Claims of the Creditors of George Campbell Dec<sup>d</sup> within mentioned & to allow three or six months to give in their report, that so the Deceaseds Estate may be proportioned among the Creditors without Delay. [*Passed June 23.*<sup>2</sup>]

## CHAPTER 39.

ORDER FOR A TOWN MEETING AT STOCKBRIDGE.

Legislative  
Records of the  
Council, xvii.,  
Mis., 85. Mass.  
Archives,  
xxx1., 241.

Legislative  
Records of the  
Council,  
xvii. (2), 58.  
House Jour-  
nal, p. 65.  
Province  
Laws, ii., 991,  
chap. 6. *Ante*,  
p. 384, chap. 54.

*Ordered* That Ephraim Williams Esq<sup>r</sup> Capt John Kunkapaut & Lieut<sup>t</sup> Paul Umpeecheanah principal Inhabitants of the Plantation, in the County of Hampshire on Housatannuck River, lately erected into a Township by the Name of Stockbridge be & hereby are fully authorized & empowered to assemble the Freeholders & other qualified Voters there, as Soon as may be, in Some Convenient Place in Said Town in order to Chuse a Town Clerk & all other Town Officers to Stand till the anniversary Meeting of Said Town in Mareh next. [*Passed June 23.*]

<sup>1</sup> On September 21, 1739, House Journal, p. 112, this petition was dismissed.

<sup>2</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is June 22.



## CHAPTER 40.

ORDER OF NOTICE ON THE PETITION OF THE PROPRIETORS OF MARE  
POINT TO BE ANNEXED TO THE TOWN OF BRUNSWICK.

A PETITION of Thomas Palmer Esq<sup>r</sup> and others Proprietors of Mare Point within the Town of North Yarmouth; Setting forth the inconvenient situation of the Inhabitants there for attending the Publick Worship of God and other Duties in the said Town; And therefore Praying that the said Tract of Land with the Inhabitants may be set off from North Yarmouth to the Town of Brunswick.

Read &

*Ordered* That the petitioners Serve the town of North Yarmouth with a Copy of the petition that they shew Cause if any they have on the first friday of the next sitting of the Court why the prayer of the petition should not be granted, & the petition is referred in the Mean time for Consideration. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xvii. (2), 58.  
Mass.  
Archives,  
cxiv., 388.

Mass.  
Archives,  
cxiv., 387.  
House Jour-  
nal, p. 45.

## CHAPTER 41.

ORDER IMPOWERING THE JUDGE OF PROBATE TO ALLOW THE COM-  
MISSIONERS TO EXAMINE THE CLAIMS AGAINST AN ESTATE.

A PETITION of Peter Luce of Boston merchant; Shewing that the estate of Henry Guineau of Boston merchant dec<sup>d</sup> being represented insolvent, the Judge of Probate for the County of Suffolk appointed Commissioners to examine the claims of the Creditors, that the full time allowed by law for such examination is elapsed, but no distribution yet made, that there is a considerable debt due from the said Estate of which it was uncertain who was the Creditor, whether the Petitioner or Martin Deschenery and Company of Martineco, but the Common Law having determined that matter and cast that debt to the Petitioners Credit; Therefore Praying that the said Judge of Probate may be empowered and directed to give further time to the Commissioners or to appoint other Commissioners to receive and examine the Petitioners claims as a Creditor to said Estate.

Read and

*Ordered* That the prayer of the petition be granted, & the Judge of probate for the County of suffolk be and hereby is allowed & impowred to Admit the Commissioners appointed, to receive & examin the several Claims within mentioned that so the petitioner may recieve his just proportion of the said Claims in the distribution to be made with other the<sup>1</sup> Creditors of the said deceased. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xvii. (2), 58.  
Mass.  
Archives,  
xvii., 742.

Mass.  
Archives,  
xvii., 740-743.  
House Jour-  
nal, pp. 51, 62,  
63.

## CHAPTER 42.

ORDER IMPOWERING ESTHER WHITAMORE TO EXECUTE A DEED,  
CONVEYING LAND.

A PETITION of Esther Whittamore Reliet Widow and Administ<sup>x</sup> of Benjamin Whittamore late of Concord in the County of Middlesex dec<sup>d</sup>; Shewing that the said Benjamin became jointly bound with John

Legislative  
Records of the  
Council,  
xvii. (2), 60.  
Mass.

<sup>1</sup> *Sic*, but Legislative Records of the Council, xvii. (2), 59, reads, "the other."

Archives,  
xvii., 583.

Mass.  
Archives,  
xvii., 582.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 83.  
House Jour-  
nal, pp. 18, 68.

Holden Jun<sup>r</sup> to Charles Chambers Esq<sup>r</sup> for the sum of Thirty Pounds, that the said Holden made a Deed to the said Benjamin Whittamore of half an Acre of Land and the buildings thereon to secure him, for which he gave bond to reconvey the said Land upon the said Holdens discharging the said Bond, which the said Holden hath done; And therefore praying that the Petitioner may be impowred to reconvey the said Half Acre of Land by some proper instrument.

Read together with the Vouchers supporting the facts, &

*Ordered* that the prayer of the petition be granted, & the pet<sup>r</sup> is allowed & impowred to Convey by a Good Deed in Law the Land and premisses within mentioned to the said John Holden his Heirs & Assigns. [*Passed June 26.*]

## CHAPTER 43.

### ORDER ALLOWING THE ACC<sup>T</sup> OF MIDDLESEX COUNTY TREAS<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (2), 61;  
*ibid.*, xvii.,  
Mis., 81.

House Jour-  
nal, pp. 22, 43.

AN ACCOMPT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1738, having been laid before the Court of General Sessions of the Peace for the said County and by them allowed:

Read &

*Ordered*, That the Accompt be allowed, balance whereof being One hundred & fourteen pounds, twelve Shillings & Six pence the said Daniel Russell Esq<sup>r</sup> Treasurer &c is Still Accountable for to the said County. [*Passed June 26.*]

## CHAPTER 44.

### ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND GRANTED TO CPT JEFFREY BEDGOOD.

Legislative  
Records of the  
Council,  
xvii. (2), 61.  
Mass.  
Archives,  
xvii., 93, 94.

Mass.  
Archives,  
xvii., 94.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 84.  
House Jour-  
nal, pp. 55, 56.  
*Ante*, p. 512,  
chap. 89.

A PLAT of Three Hundred Acres of Land laid out by Joseph Wilder Jun<sup>r</sup> Surveyor and Chain men on oath, to fulfill a grant made by this Court to Cpt. Jeffry Bedgood, adjoining to the Township commonly called New Ipswich, beginning at the North Corner of said Township and is the South West Corner of this Farm at a great Hemlock Tree marked; and from thence running North by a Line of marked trees, one hundred and seventy rods to a Beach Tree marked and cornered; thence South 78 Deg. East by a line of marked Trees one hundred and seventy rods to a Beach Tree marked and cornered; thence North by a line of marked Trees ninety rods to a Beach Tree marked and cornered; thence South 78 Deg. East by a line of marked Trees ninety seven rods to a red Ash (the North East Corner) marked and cornered; thence South by a line of marked Trees two hundred and fifty eight rods to a white Maple marked and cornered (being the South East Corner) thence North 78 Deg. West by a line of marked Trees on said Ipswich Line to the Bounds first mentioned.

Read and

*Ordered* That the plat be Accepted, and the Lands therein delineated and described be & hereby are confirmed to the said Jeffry Bedgood his heirs & assigns for ever, provided that the plat exceeds not the quantity of Three hundred A[c]res of Land & does not interfere with any former Grant the swag of Chain within mentioned allowed. [*Passed June 26.*]

## CHAPTER 45.

## ORDER OF NOTICE ON THE HASSANIMISCO PROPRIETORS PETITION FOR RELIEF FROM THEIR BONDS.

A PETITION of Samuel Chandler John Sherman and Phineas Rice for themselves and the rest of the English Proprietors of Hassanimisco (now Grafton) who first purchased the land of the Indians; Shewing that they have fully complied with the Conditions of Settlement, but the said Plantation being now made a Town the Inhabitants pretend they have power to remove the Indians out of it; and for as much as the Petitioners are obliged by their Bonds to maintain Preaching and Schooling for the said Indians, and divers of the first purchasers are deceased, and others, not their heirs, settled on their Right and the present Inhabitants have given great disturbance to the Indians; Therefore Praying that the Petitioners Bonds may be given up, or that they may be otherwise relieved in the Premises by this Court.

Read and

*Ordered* that the petitioners serve the hon<sup>ble</sup> Spencer Phelps Esq<sup>r</sup> & the other Trustees for the Management of the Indian affairs at Hassanamisco (now Grafton) with a Copy of the petition that they inquire into the Conduct of the English Inhabitants there & report their Opinion to this Court in their next Sitting what may be proper to be done to prevent the same as is within suggested, & also what may be done for the petitioners relief. [*Passed June 26.*]

Legislative  
Records of the  
Council,  
xvii. (2), 62.  
Mass.  
Archives,  
xxxI., 235.

Mass.  
Archives,  
xxxI., 234.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 80.  
House Jour-  
nal, p. 56.  
Province  
Laws, xi., 233,  
chap. 36.

## CHAPTER 46.

## ORDER OF NOTICE ON THE PETITION OF DIVERS INHABITANTS OF MEDWAY TO BE ANNEXED TO WRENTHAM.

A PETITION of Timothy Metcalfe in behalf of the Inhabitants of the Town of Wrentham, Shewing that this Court were pleased formerly to set off John Pond and seven others (particularly named) with their Estates from Wrentham to Medway; since which the Court have made the Westerly part of Wrentham a distinct Precinct including the said eight families; Praying that the said eight families and their estates may be set back to the Town of Wrentham for the preventing many inconveniences that may arise from their belonging to Medway and yet being set off to the said new Precinct.

Read and

*Ordered* That the Petitioner Serve the Town of Medway as also The Said John Pond and Others with a Copy of this petition that they Shew Cause if any they have on the first Thursday of y<sup>e</sup> Next Seting of the Court why the prayer of the petition should not be granted. [*Passed June 26.*]

Legislative  
Records of the  
Council,  
xvii. (2), 64.  
Mass.  
Archives,  
cxiv., 359.

Mass.  
Archives,  
cxiv., 358, 361-  
366. Legisla-  
tive Records of  
the Council,  
xvii. (1), 316,  
365. House  
Journal, p. 69.  
*Ante*, p. 33,  
chap. 201.

## CHAPTER 47.

## ORDER ALLOWING £95. 16. 8 TO THE TOWN OF BOSTON.

A PETITION of the Select Men of the Town of Boston, Shewing that they were put to great Expence the last winter while this Court was sitting, in removing divers persons taken sick of the Small Pox, and

Legislative  
Records of the  
Council,  
xvii. (2), 64.  
Mass.

Archives,  
lxxxvii., 280.  
Mass.  
Archives,  
lxxxvii., 279.  
Legislative  
Records of the  
Council, xvii.,  
Mss., 82.  
House Jour-  
nal, pp. 53, 54.

in supporting of them and providing Physicians, nurses, and other things to prevent the distempers spreading, and to take off the fears of the Members of the Court; Praying that their charge therein; amounting to the sum of £299. 17 may be allowed out of the publick Treasury.

Read and in Answer to the within petition

*Ordered* That the sum of Ninety Five pounds Sixteen shillings and Eight pence be granted and allowed to be paid out of the publick treasury in the New tenour Bills to the select Men of the town of Boston for the Use of said town, and to reimburse them the Charge they were at in removing the people lately visited with the small pox &c as within mentiond £95. 16. 8<sup>d</sup>. [*Passed June 26.*]

## CHAPTER 48.

### ORDER WITH NOTICE ON RICH<sup>d</sup> FRY'S PETITION FOR A NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (2), 65.  
Mass.  
Archives, lix.,  
313.

A PETITION of Richard Fry; Setting forth his Controversies in the law within the County of York with M<sup>r</sup> Samuel Waldo, and complaining of divers hardships, and Praying for a new Trial, and that the Action may be removed to the Courts of Justice in the County of Suffolk.

Read &

Mass.  
Archives, lix.,  
312. House  
Journal, p. 61.

*Ordered* That the petitioner Serve M<sup>r</sup> samuel Waldo within named or his Attorney with a Copy of the petition that he shew Cause if any he hath on friday the 29 Cur<sup>t</sup> why the prayer thereof should not be granted, and the petition is referred in the Mean time for Consideration.<sup>1</sup> [*Passed June 26.*]

## CHAPTER 49.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE COUNTY TREAS<sup>r</sup> OF WORCESTER.

Legislative  
Records of the  
Council,  
xvii. (2), 65.  
House Jour-  
nal, pp. 30, 37.

AN ACCOMPT presented by Benjamin Flagg Treasurer of the County of Worcester for the year 1738; Having been laid before the Court of General Sessions of the Peace for the said County and by them allowed:

Read and

*Ordered* that the Accompt be allowed, the Ballance whereof, being One Hundred and Thirty seven pounds eighteen shillings and two pence the said Treasurer is further accomptable to the County for, And also

*Voted* that he gives the County credit for the sum of Fifteen pounds five shillings, so much advanced for the Conviction of Hugh Ditson a notorious thief, on receipt thereof; security being given for reimbursing the Treasury said sum. [*Passed June 26.*]

<sup>1</sup> On October 9, 1739, Mass. Archives, lix., 313, this petition was dismissed.



## CHAPTER 50.

## ORDER OF NOTICE ON JOHN MCNEALS PETITION FOR A TRIAL OF A COMPLAINT.

A PETITION of John Mac Neal of Boston, Shewing that William Hall of Boston prosecuted him before Hugh Hall Esq<sup>r</sup> one of His Majestys Justices of the Peace for the County of Suffolk, for defamatory words against Ann Hall his wife, and sentence was given against him, from which he would have appealed but he was ignorant of the law, And therefore Praying that he may be allowed to Appeal to the Court of General Sessions of the Peace for said County.

Read and

*Ordered* that the Petitioner serve the adverse Party the said William Hall with a Copy of the Petition, that he shew cause if any he have on Thursday the twenty eighth currant why the Prayer thereof should not be granted. [*Passed June 26.*]

Legislative  
Records of the  
Council,  
xvii. (2), 65.

House Jour-  
nal, p. 66.

## CHAPTER 51.

## ORDER REQUIRING FREE ACCESS TO MEETING HOUSE IN SOUTH PRECINCT OF PLIMPTON.

A PETITION of Edward Washburn, Eleazar Pickard and others of Plympton; Shewing that in the year 1732 the South Part of the said Town were made a Precinct by the Order of this Court and at the same time Eleazar Pickard Senior and five others within the Bounds prayed for, were continued to the old Precinct; and that the Petitioners, who have a claim under that Order, have been taxed to the said South Precinct; Praying that their Taxes may be repaid to them, and that they may remain to the old Precinct.

Read together with the Answer of the South Precinct in Plympton And the Parties being heard at the Board, It appears that the Petition<sup>rs</sup> Edward Washbourne, Sylvanus Dunham, & Eleazar Rickard<sup>1</sup> Jun<sup>r</sup> do belong to the said South Precinct & ought to pay Taxes there for the support of the Ministry, but for as much as their way to the Meeting house is incumbered with Bars & Fences;

*Ordered* that the said Precinct take care that for the time to come they have a free Passage to their Meeting House. [*Passed June 27.*]

Legislative  
Records of the  
Council,  
xvii. (2), 27.  
Mass.  
Archives, xii.,  
52.

Mass.  
Archives, xii.,  
49-55. Legisla-  
tive Records of  
the Council,  
xvii. (2), 66;  
*ibid.*, xvii.,  
Mis., 88.  
House Jour-  
nal, pp. 31, 70,  
71. Province  
Laws, xi., 676,  
chap. 64.  
*Ante*, p. 272,  
chap. 28.

## CHAPTER 52.

## ORDER OF NOTICE ON ISAAC DAFFORNES PETITION FOR LEAVE TO FILE A COMPLAINT.

A PETITION of Isaac Dafforne of Boston; Shewing that at the Inferiour Court of Common Pleas for the County of Suffolk held at Boston in October last he prosecuted an Action of Debt against John Foreland for the recovery of £20. 5. 9 and obtained Judgement, from which the said Foreland appealed to the Superior Court of Judicature held at Boston in February last but did not prosecute his Appeal, but the Petitioner thrō his ignorance of the law neglected to file his Complaint at the said

Legislative  
Records of the  
Council,  
xvii. (2), 67.  
Mass.  
Archives,  
xvii., 557.

Mass.  
Archives,  
xvii., 554.

<sup>1</sup> *Sic* (Pickard?).



Legislative  
Records of the  
Council, xvii.,  
Mis., 86.  
House Jour-  
nal, pp. 64, 65.

Court; Praying that he may be impowered to file his complaint at the next Superior Court, that so he may obtain a confirmation of the said Judgement with Additional costs.

Read &

*Ordered* That the petitioner Serve the Adverty<sup>1</sup> the said John Foreland With a Copy of the petition that he shew Cause if any he hath on thursday fifth of July next if y<sup>e</sup> Court be y<sup>n</sup> Sitting If not on y<sup>e</sup> first thursday of y<sup>e</sup> next Sitting of y<sup>e</sup> Court why the prayer thereof should not be granted, & the petition is referred Accordingly. [*Passed June 27.*]

## CHAPTER 53.

### ORDER IMPOWERING THE SELECT MEN OF SHERBURN TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xvii.  
(2), 68.  
Mass.  
Archives,  
xvii., 591.

Mass.  
Archives,  
xvii., 592.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 86.  
House Jour-  
nal, pp. 50, 65,  
69.

A PETITION of the Select Men of the Town of Sherburn on the Island of Nantucket; Shewing that one Dennis Manning of said place made a Deed of his house and land to his son William, upon consideration of his undertaking to maintain the wife of the said Dennis during her life, that both Father and Son are now dead and the said Williams children are minors, & the Widow of the said Dennis is now without any means of subsistence, And therefore Praying to be impowered by this Court to sell the said House and Land for the said Widows support.

Read and

*Ordered*, That the Prayer of the Petition be Granted, And the Select Men of the Town of Sherbourn on Nantucket be, and hereby are fully Authorized and Impowered to make Sale of the House and Lands with in mentioned for the most the same will fetch, giving Notice thereof Thirty Days at least before the Time of Sale, They giving Bond to the Judge of Probate for the County of Nantucket to Account for the same, And that the Money arising by the Sale thereof be by said Select Men Applied for the Support of the Widdow of the said Dennis Manning Dece'd during her Life, And in Case any part thereof be remaining on her Decease, that then it be divided to and amongst the Heirs of the said William Manning. [*Passed June 27.*]

## CHAPTER 54.

### ORDER OF NOTICE ON THE SPRINGFIELD PROPRIETORS PETITION IN REGARD TO BOUNDARIES.

Legislative  
Records of the  
Council, xvii.  
(2), 68.  
Mass.  
Archives,  
cxiv., 385.

Mass.  
Archives,  
cxiv., 384.  
House Jour-  
nal, pp. 44, 45.

A PETITION of William Pynchon Esq<sup>r</sup> in behalf of the Proprietors of the Town of Springfield; Shewing that the Bounds of the Town of Suffield which borders on Springfield were settled in the year 1671. by a Committee of the General Court; that the Dividing Line between the said Towns has never since been perambulated and that Suffield claims a Line which runs in much upon the bounds of Springfield; And therefore Praying that a Committee may be appointed by this Court to run and settle the Dividing Line between the said Towns of Springfield and Suffield.

Read &

*Ordered* That the petit<sup>r</sup> serve the prop<sup>rs</sup> of the town of suff<sup>d</sup> with a

<sup>1</sup> *Sic*, it seems, for "adverse party."

Copy of the petition that they shew cause if any they have on the first thursday of the next sitting of the Court why the prayer thereof should not be granted; & the petition is referred in the Mean time for Consideration. [*Passed June 27.*]

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## CHAPTER 55.

### ORDER OF NOTICE ON THE PETITION OF JAC. SHEAF FOR A RE-TRIAL OF AN ACTION.

A PETITION of Jacob Sheaf of Boston; Praying for a new Trial at the next Inferior Court of Common Pleas for the County of Suffolk of a cause between him and Benjamin Trot, which went against him by default, the Petitioner thro' mistake neglecting to attend at the time when the Action was called.

Read &

*Ordered* That the pet<sup>r</sup> Serve the Adverse party the Said Benjamin Trot with a Copy of the petition that he shew Cause if any he hath on friday the twenty Ninth Cur<sup>t</sup> why the prayer thereof should not be granted & the petition is referred in the meantime. [*Passed June 27.*]

Legislative  
Records of the  
Council,  
xvii. (2), 70.  
Mass.  
Archives, xli.,  
266.

Mass.  
Archives, xli.,  
265-275. Legis-  
lative Records  
of the Council,  
xvii., Mis., 87.  
House Jour-  
nal, p. 68.

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## CHAPTER 56.

### ORDER ALLOWING THE TOWN OF MIDDLETON £6. 13. 4.

A PETITION of Timothy Perkins and Francis Peabody Agents for the Town of Middleton; Praying in consideration of the smallness of the said Town and the great charges they have been at for Bridges, high ways &c that the Fine laid upon them the last year for not sending a Representative to the General Court may be remitted.

Read And in Answer to this petition

*Ordered* That the Fine within mentioned be & hereby is remitted; And that the sum of six pounds thirteen shillings and four pence New tenour bills be accordingly granted & allowed to be paid out of the publick treasury to the Order of the town of Middleton to reimburse the Fine laid on them as aforesaid. [*Passed June 27.*]

Legislative  
Records of the  
Council,  
xvii. (2), 70.  
Mass.  
Archives,  
cxiv., 332.

Mass.  
Archives,  
cxiv., 331.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 95.  
House Jour-  
nal, p. 61.  
Province  
Laws, ii., 956.

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## CHAPTER 57.

### ORDER DIRECTING THE TOWN OF CHARLESTOWN TO SUPPORT THOS. RUSSELL AT THE PUBLIC CHARGE.

A PETITION of Thomas Russell of Charlestown; Shewing that for many years he has been employed in the Publick Service against the Indians and has been wounded and taken Prisoner, that he was dismiss'd with the rest of the Garrison at Pemaquid, that he is now grown old and unable to labour for his livelihood; And therefore Praying that he may serve his countrey as a Centinel in some of the Garrisons:

Read and

*Ordered* That the Selectmen of the Town of Charlestown, in the most prudent manner they can, provide for the Relief of the Petitioner, And that the Charge thereof be born by the Publick. [*Passed June 28.*]

Legislative  
Records of the  
Council,  
xvii. (1), 143;  
*ibid.*, xvii.,  
Mis., 87. Mass.  
Archives,  
lxxii., 476.

Mass.  
Archives,  
lxxii., 475.  
House Jour-  
nal, pp. 50, 74.

## CHAPTER 58.

## ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF JOHN TUFTON MASON.

Legislative  
Records of the  
Council, xvii.,  
Mis., 89. Mass.  
Archives, v.,  
120.

## In Council

Whereas it is reported that John Tufton Mason who went for Great Britain the last Fall on the Affair of the Boundaries between this Province and the Province of New Hampshire on the Charge of this Province is returned hither, altho he has given no Acc<sup>t</sup> to this Government of his Conduct in the Affair above mentioned nor of his Expence of the Money he has received by the Order of this Court for defraying his Charges

*Ordered* that W<sup>m</sup> Dudley, Anth<sup>o</sup> Stoddard, Tho. Berry & Benj<sup>a</sup> Lynde Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to enquire of the said Mason of the Matters afores<sup>d</sup> & report thereon.

In the House of Rep<sup>ves</sup> Read & Concurd & John Chandler Esq<sup>r</sup> Mr Tho. Cushing Joseph Dwight Thomas Greaves & George Bunker Esq<sup>rs</sup> are joined in the affair. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (2), 74.  
House Jour-  
nal, p. 79.  
*Ante*, p. 498,  
chap. 53.

## CHAPTER 59.

## ORDER IMPOWERING JOS. EPHRAIM INDIAN TO SELL LAND.

Legislative  
Records of the  
Council, xvii. (2), 75.  
Mass.  
Archives,  
xxxi., 248.

A PETITION of Joseph Ephraim of Natick, Indian, Shewing that whereas he was impowered by an Order of this Court to sell four Acres of meadow, he cannot dispose of it to advantage unless he sell two Acres of land adjoining; therefore Praying for liberty to sell the said two Acres of land and that he may be obliged only to dispose of so much of the proceeds of the sale of the said meadow in purchasing other land, as John D'Aeth and John Fisher Esq<sup>rs</sup> shall judge proper.

## Read &amp;

*Ordered* That the prayer of the petition be granted, & the petitioner is allowed & impowred to make sale of y<sup>e</sup> percells of Land within mentioned, & to pass a good Deed or Deeds thereof well executed in the Law to the person or persons who shall give most for the same thirty days Notice of the time & place of sale being posted up before hand in the shire town of the said County as well as in some publick place in Natick, and John D'Eath & John Fisher Esq<sup>rs</sup> are desired & impowred to see Justice done the pet<sup>rs</sup> in the sale of the premisses, & that the proceeds thereof be paid & Applied for the sole uses & purposes therein mentioned agreeable to the prayer thereof. [*Passed June 29.*]

Mass.  
Archives,  
xxxi., 247.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 91.  
House Jour-  
nal, p. 70.  
*Ante*, p. 538,  
chap. 146.

## CHAPTER 60.

## ORDER ALLOWING £4. 6. 8 TO JOS. WRIGHT.

Legislative  
Records of the  
Council,  
xvii. (2), 76.  
Mass.  
Archives,  
lxxxvii., 35.

A PETITION of Joseph Wright of Woodstock; Praying that the sum of Thirteen Pounds in Bills of the Old Tenor may be allowed him out of the publick Treasury for so much burnt in his house in Bills of this Province when his house and goods were consumed by fire.

## Read &amp;

*Ordered* That the sum of Four pounds, Six shillings & Eight pence of the New tenour bill<sup>1</sup> be granted & allowed to be paid out of the publick treasury to M<sup>r</sup> William Lyon by him to be repaid to the said Joseph Wright to reimburse him the like Value of the Massachusetts old Tenour Bills which he lost by Fire as within certified. [*Passed June 29.*]

Mass.  
Archives,  
lxxxvii., 34.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 91.  
House Jour-  
nal, p. 74.

## CHAPTER 61.

### ORDER IMPOWERING MARTHA WINTER AND OTHERS TO SELL LAND.

A PETITION of Martha Winter of Boston Widow & Execut<sup>x</sup> of William Winter, Shewing that her said Husbands Estate consists principally of a House and land in Boston, that the House is gone much to decay, and she is not able to repair it; And therefore praying that she may be enabled to sell it, which she cannot do without power from this Court, most of the deceaseds children being under Age.

Read and in answer to the Petition

*Ordered* that the Petitioner together with her son William Winter and M<sup>r</sup> Andrew Eliot of Boston. Be allowed and Impowered (with the Consent of the Guardians that shal be Appointed for Such of the Dec<sup>d</sup>s Children, as are under the Age of Twenty one Years) To make sale of the House and Land within Mentioned for the most the same will Fetch (they Attending the direction of the Law of this Province empowering Exc<sup>rs</sup> & Adm<sup>rs</sup> to Sell real Estates) And to pass and Execute a Good & Sufficient Deed of Conveyance in the Law therefor, to Such Person as Shall Appear to Purchase the same, The Proceeds of the sale of the Premisses, to be Distributed & Delivered to and Among Those to Whom the Premises were devised in Proportion to their respective interests therein; And the Shares belonging to the Minors to be put into the Hands of their Guardian or Guardians for their (the said Minors) Use & Benefit The Widdow of the said Deceased giving Sufficient Security to the Judge of Probate of Wills &c, for the County of Suffolk, That Her Dower or Thirds of the Principal Sum shall at her Decease be delivered to the Children & Devisees of Her Late Husband in Proportion as before Mentioned. [*Passed June 30.*]

Legislative  
Records of the  
Council,  
xvii. (2), 77.  
Mass.  
Archives,  
xvii., 619.  
Mass.  
Archives,  
xvii., 616-618.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 90.  
House Jour-  
nal, p. 83.

## CHAPTER 62.

### ORDER IN REGARD TO SESSIONS OF THE COURTS IN DUKES COUNTY.

A PETITION of the Justices of the Peace and Inferior Court of Common Pleas for the County of Dukes County; Praying that the Courts of General Sessions of the Peace and Inferior Court of Common Pleas for said County, which are now held on the last Tuesday in March may be hence forward held on the First Tuesday in said Month, as more convenient for the County.

Read &

*Ordered* that the Prayer of the Petition be granted, & that a Bill be brought in accordingly. [*Passed July 2.*]

Legislative  
Records of the  
Council,  
xvii. (2), 79.  
Mass.  
Archives, xli.,  
345.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 92.  
House Jour-  
nal, pp. 88, 89.  
Province  
Laws, ii., 137,  
chap. 5; 1021,  
chap. 5.

<sup>1</sup> The House Journal, p. 74, reads, "Bills."

<sup>2</sup> This date is according to Mass. Archives, Legislative Records of the Council, xvii., Mis., and Legislative Records of the Council, xvii. (2); according to the House Journal the date is July 3.

## CHAPTER 63.

ORDER REFERRING THE PETITION OF JON<sup>A</sup> SHELDEX & OTHERS.

Legislative  
Records of the  
Council,  
xvii. (2), 19, 79.

House Jour-  
nal, pp. 11, 88.

A PETITION of Jonathan Shelden, John Trumball and others, Inhabitants of the Westerly part of the Town of Suffield, Setting forth their inconvenient situation for attending the Publick Worship of God at the usual place of Worship, and Praying that they may be set off a distinct Preenet, and be freed from the Tax for building a new Meeting House in the other part of the Town.

Read, together with the answer of the Town of Suffield and the Papers in the case, and

*Ordered* that the further consideration of this Petition be refer'd to the next Sitting of the Court, and that it be recommended to the parties to accommodate the matter, and that no tax be levied on the Petitioners towards the Building a new Meeting House in the mean time. [*Passed July 2.*]

## CHAPTER 64.

ORDER IMPOWERING EBEN<sup>B</sup> HINKLEY TO FILE AN APPEAL, WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (2), 69.  
Mass.  
Archives, xli.,  
379.

Mass.  
Archives, xli.,  
376–382. Legis-  
lative Records  
of the Council,  
xvii. (2), 79;  
*ibid.*, xvii.,  
Mis., 95.  
House Jour-  
nal, pp. 48, 88.

A PETITION of Ebenezer Hinkley of Brantrey, Praying that he may be admitted to file his reasons of Appeal to the next Superior Court of Judicature for the County of Suffolk from a Judgement of the Inferior Court of Common Pleas for the said County, held in October last, obtained against him by one Noah Gillet of Colchester in the Colony of Connecticut on a note of hand of the Petitioners to pay the said Gillet £82. 10 the Petitioners Attorney having by forgetfulness neglected to file his reasons; And that the Petitioner may have a trial of the said cause upon the merits, and that execution against the Petitioner may be staid in the mean time.

Read, together with the Answer of the Attorney of Noah Gillet within named, which being fully considered;

*Ordered* that the Petitioner be allowed & impowered to file his Reasons of Appeal from the Judgment within mentioned in the Clerks Office of the Inferiour Court of Comon Pleas for the County of Suffolk fourteen Days at least before the Sitting of the Superiour Court of Judicature &c to be held in the Said County of Suffolk the Second Tuesday of August next And the Justices of the Said Sup<sup>r</sup> Court are are<sup>1</sup> hereby Impowered & Directed to hear & try the Said Action upon the Appeal, enter up Judgment & award Execution Accordingly; The Petitioner to give Notice of this Order to the Attorney of the Said Noah Gillet at or before the Time of his Filing his reasons of Appeal, & Execution on the Said Judgment is hereby Staid in the mean Time The Costs already Sustained to remain as they are. [*Passed July 2.*]

<sup>1</sup> Sic.



## CHAPTER 65.

## ORDER IMPOWERING JOS. EDDY TO FILE AN APPEAL.

A PETITION of Joseph Eddy; Shewing that at an Inferior Court of Common Pleas held at Bristol in Sept<sup>r</sup> last, Edward Shove brought his action of the case against the Petitioner for £16. 8. 4 and recovered Judgement; from which the Petitioner appealed to the Superior Court, but through his Attorneys ignorance or mistake, his reasons of Appeal were so drawn as to be quashed by the Superior Court; And therefore Praying that he may be allowed to file his reasons of Appeal de novo, and have a Trial at the next Superior Court for said County.

Read together with the Answer of Edward Shove, which being fully considered:

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be allowed & impowered to file his Reasons of Appeal (de Novo) from the Judgm<sup>t</sup> obtained against him by the S<sup>d</sup> Edw<sup>d</sup> Shove in the Clerks Office of the Inferiour Court of Common Pleas for y<sup>e</sup> County of Bristol fourteen Days at least before the Sitting of the Superiour Court of Judicature to be held in the Said County of Bristol on the fourth Wenesday of October next & the Justices of the S<sup>d</sup> Super<sup>r</sup> Court are hereby impowered & directed to hear & try the Said Action upon the Appeal, enter up Judgm<sup>t</sup> & award Execution Accordingly: The Petitioner to give Notice of this Order to the S<sup>d</sup> Edw<sup>d</sup> Shove at or before the Time of his filing his Reasons of appeal, and the Cost of this Action arisen at the Super<sup>r</sup> Court to remain as it was. [*Passed July 3.*]

Legislative  
Records of the  
Council, xvii. (2), 53, 80.  
Mass.  
Archives, xli.,  
358.

Mass.  
Archives, xli.,  
354–359. Legis-  
lative Records  
of the Council,  
xvii. (2), 80;  
*ibid.*, xvii.,  
Mis., 96.  
House Jour-  
nal, pp. 62, 69.

## CHAPTER 66.

## VOTE FOR REPAIRS OF THE PROVINCE HOUSE.

In the House of Represent<sup>ves</sup>

*Voted* That M<sup>r</sup> Edward Bromfield, & M<sup>r</sup> Christopher Kilby with such as shall be Appointed by the honourable board be a Committee fully impowred to see that all snitable and reasonable repairs of the province House be seasonably made and duly effected

In Council; Read & Concur'd And Anthony Stoddard Esq<sup>r</sup> is joined in the Affair. [*Passed July 3.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 93. Mass.  
Archives,  
xlix., 35.

Legislative  
Records of the  
Council,  
xvii. (2), 82.  
House Jour-  
nal, pp. 76, 77.

## CHAPTER 67.

ORDER ALLOWING THE ACCT<sup>r</sup> OF THE CO. TREASURER OF SUFFOLK.

THE ACCOMPT of Habijah Savage Esq<sup>r</sup> Treasurer of the County of Suffolk for the year 1738 having been by him laid before the Court of General Sessions of the Peace for the said County and by them allowed:

Read &

*Ordered*, that the Account be allowed & Accepted; the ballance whereof being one Hundred & five pounds, nineteen Shillings & ten<sup>1</sup> pence, as also the sum of Six hundred & fifty Six pounds & nine pence

Legislative  
Records of the  
Council,  
xvii. (2), 82;  
*ibid.*, xvii.,  
Mis., 93.

House Jour-  
nal, pp. 9, 23.

<sup>1</sup> "Two pence," in Legislative Records of the Council, xvii. (2).

so much outstanding in the hands of the Constables of the respective Towns of the County, as appears by a particular List thereof in the Account, amounting in the whole to the Sum of Seven hundred Sixty two pounds and seven pence, the said Abijah Savage Esq<sup>r</sup> the County Treasurer is further Accountable for. [*Passed July 3.*]

## CHAPTER 68.

### ORDER IMPOWERING JER. HAWS TO FILE AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (2), 87.  
Mass.  
Archives, xli.,  
400.  
Mass.  
Archives, xli.,  
399–401. Legis-  
lative Records  
of the Council,  
xvii. Mis., 92.  
House Jour-  
nal, pp. 89, 90.

A PETITION of Jeremiah Haws of Needham, Shewing that he appealed from a sentence given against him by Joseph Heath Esq<sup>r</sup> (one of His Majestys Justices of the Peace for the County of Suffolk) upon a complaint of Isaac Mills, for excessive drinking, to the Court of General Sessions of the Peace for the said County, but thro' ignorance and mistake neglected to file his reasons of Appeal in season; And therefore praying that he may be admitted to a Trial of his Appeal at the Court of General Sessions of the Peace to be holden in October next, and to file his reasons of Appeal to the said Court accordingly.

Read and

*Ordered* That the prayer of the petition be granted, And the petitioner is hereby allowed and impowred to file his reasons of Appeal from the sentence of the Justice within mentioned to the Court of General sessions of the peace next to be holden at Boston in & for the County of suffolk on the first tuesday of October next, and lodging the same with the Clerk of said Court seven days at least before the sitting of the Court; and the Justices of the said Court are also hereby impowred and directed to receive and admit the said Appeal hear and try the Action enter up Judgment & award Execution thereon accordingly, provided the petitioner Notifies the said Isaac Mills with a Copy of the petition & order within the said term of seven days, and all further process on the Complaint is hereby stayed in the Mean time. [*Passed July 3.*<sup>1</sup>]

## CHAPTER 69.

### ORDER ALLOWING £70 TO JER. ALLEN ESQ<sup>R</sup> AND GRANTING TO HIM 500 ACRES OF LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 88.  
Mass.  
Archives, ci.,  
622.  
Mass.  
Archives, ci.,  
625. Legisla-  
tive Records  
of the Council,  
xvii. Mis., 101.  
House Jour-  
nal, p. 94.

A PETITION of Jeremiah Allen Esq<sup>r</sup> late Treasurer of this Province; Setting forth his services in the said Office and that he was employed in the service of the Province about six months after the Election of the new Treasurer; And therefore Praying that Six months Salary may be further allowed him, and that this Court would make him a grant of land for his long and faithful services.

Read & in Answer to this Memorial

*Ordered* That the sum of seventy pounds in Bills of the New tenor be granted & allowed to be paid out of the publick treasury to Jeremiah Allen Esq<sup>r</sup> late Treasurer of this province in full satisfaction for his Services therein

And as a mark of the approbation of this Court, and as a Gratuity to him for his faithfulness therein

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii. Mis.; according to Legislative Records of the Council, xvii. (2), the date is July 5.

*Voted* That Five Hundred Acres of the unappropriated Lands of the province be and hereby is given & granted to the said Jeremiah Allen Esq<sup>r</sup> his Heirs & Assigns, and that accordingly he be allowed and impowred by a surveyor & Chain men on Oath to survey And lay out the same adjoining to some former Grant, and that he return a plat thereof to this Court within twelve Months for Confirmation. [*Passed July 5.*]

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## CHAPTER 70.

### ORDER OF NOTICE ON THE PETITION OF JOSIA. BOX TO APPEAL FROM A SENTENCE.

A PETITION of Joshua Box of Chilmark in Dukes County Indian, complaining of the proceedings of Samuel Norton Esq<sup>r</sup> (one of His Majestys Justices of the Peace for the said County) upon the complaint of one Benjamin Mahew against the Petitioner for stealing; Praying that he may be admitted to prosecute an appeal he claimed from the Judgement of the said Justice, to the Court of General Sessions of the Peace.

Read and

*Ordered* That the petitioner Serve the within named samuel Norton Esq<sup>r</sup> & Benjamin Mayhew with Copys of this petition that they shew Cause if any they have on the first thursday of the next Sitting of the Court why the prayer there of should not be granted, and all further process herein is stayed in the meantime; and the petitioner is also hereby allowed to take such affidavits as may be proper in the premises; and the further Consideration of the petition is referred in the Meantime. [*Passed July 5.*]

Legislative  
Records of the  
Council, xvii. (2), 89.  
Mass.  
Archives,  
xxxi., 252.

Mass.  
Archives,  
xxxi., 249-251.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 96.  
House Jour-  
nal, pp. 90, 91.

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## CHAPTER 71.

### ORDER FOR A TOWN MEETING IN WAREHAM.

*Ordered* That M<sup>r</sup> Edward Bumpas one of the principal Inhabitants of the new town lately erected out of the towns of Rochester & plymouth be and hereby is fully Authorized impowred & directed to Assemble & convene the qualified voters there in some convenient publick place within said town, to make Choice of a town Clerk and all other town officers to stand until the Anniversary Meeting of said town in March next. [*Passed July 6.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 101.  
Mass.  
Archives,  
cxiv., 335.

Legislative  
Records of the  
Council,  
xvii. (2), 90.  
House Jour-  
nal, p. 97.  
*Ante*, p. 560,  
chap. 204.

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## CHAPTER 72.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE CO<sup>y</sup> TREASURER OF BRISTOL.

AN ACCOMPT presented by Samuel Howland Treasurer of the County of Bristol for the Year 1738. having been laid before the Court of General Sessions of the Peace for said County and by them allowed:

Read and

*Ordered*, That the accompt be accepted and allowed, and the said Treasurer is accordingly discharged of the several payments therein mentioned Amounting to the sum of One hundred Ninety Eight pounds four shillings & Eight Pence, the Balance of the Account, in favor

Legislative  
Records of the  
Council,  
xvii. (2), 90;  
*ibid.*, xvii.,  
Mis., 102.

House Jour-  
nal, pp. 67, 83.

of the County when the rates are received in, being three hundred & fifteen pounds two Shillings & Nine pence the Treasurer is further Accountable for. [*Passed July 6.*]

## CHAPTER 73.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE CO. TREASURER OF BARNSTABLE.

Legislative  
Records of the  
Council, xvii.,  
xvii., (2), 91;  
*ibid.*, xvii.,  
Mis., 92.

House Jour-  
nal, pp. 61, 98.

AN ACCOMPT presented by John Davis Treasurer of the County of Barnstable for the year 1738. Having been presented to the Court of General Sessions of the Peace for said County and by them allowed :

Read & Accepted, and

*Ordered* that the Account be allowed. [*Passed July 6.*]

## CHAPTER 74.

### ORDER REFERRING JOHN STANIFORDS PETITION.

Legislative  
Records of the  
Council, xvii.,  
Mis., 100.  
Mass.  
Archives,  
cxxi., 181.

Legislative  
Records of the  
Council, xvii., (2), 91.  
House Jour-  
nal, p. 98.  
*Ante*, p. 522,  
chap. 112.

*Ordered* That the petition of M<sup>r</sup> John staniford of Boston relating to the building a Bridge from Boston to Cambridge or Charlstown be continued over to the next Session of the Court, and the said staniford or any other person or persons are allowed to take subscriptions accordingly. [*Passed July 6.*]

## CHAPTER 75.

### ORDER ON THE REPORT OF THE COMMITTEE, ON THE PETITION OF DUNSTABLE INHABITANTS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 133.  
Mass.  
Archives,  
cxiv., 272.

Mass.  
Archives,  
cxiv., 273.  
House Jour-  
nal, p. 102.  
*Ante*, p. 534,  
chap. 136.

THE COMMITTEE appointed on the Petition of the Inhabitants and Proprietors situated on the Westerly side of Dunstable and Northerly side of Groton, Having after. Notifying all parties, repaired to the Lands, petitioned to be erected into a Township, carefully viewed the same; Find a very good Tract of Land in Dunstable Westward of Nashaway River and between said River Souhegan River Extending from Groton New Grant and Townshend line six miles East, lying in a Very commodious Form for a Township, and on said Lands there now is about twenty families, and many more settling, that none of the Inhabitants live nearer to a meeting House than seven miles and if they go to their own Town have to pass over a Ferry the greatest part of the Year. We also find in Groton a sufficient quantity of Land accommodable for Settlement, and a Considerable number of Inhabitants thereon that in some short time when they are well agreed may be erected into a distinct Parish; and that it will be very inconvenient to erect a Township in the Form prayed for or to break in upon either Town. The Committee are of Opinion that the petitioners in Dunstable are under such circumstances as necessitates them to ask relief which will be fully obtained by their being made Township, which if this Hon<sup>ble</sup> Court should judge necessary to be done;<sup>1</sup> The Committee are further of Opinion that it will be greatly for the Good & Interest of the Township that the non-resident proprietors, have liberty of Voting with the Inhabitants as to the building & placing a

<sup>1</sup> *Sic.*



meeting House and that the Lands be equally taxed, towards said House And that for the support of the Gospel Ministry among them the Lands of the non-resident proprietors be Taxed at two pence per acre for the space of five years.

All which is humbly submitted in the name & by order of the committee.

THOMAS BERRY.

Read and

*Ordered* that the further Consideration of this Report be referred to the next Sitting, and that the Petitioners be in the mean time freed from paying any thing toward the Support of the ministry in the Towns to which they respectively belong. [*Passed July 7.*]

## CHAPTER 76.

### VOTE APPOINTING COMM<sup>RS</sup> ON THE AFFAIR OF THE LINE ON RHOD ISLAND COLONY.

In the House of Rep<sup>ves</sup>

*Voted* That the honourable Samuel Welles and Thomas Greaves Esq<sup>rs</sup> Mr Thomas Cushing and John Chandler Esqr with such as shall be joined by the honourable board be and hereby are appointed & constituted Commissioners fully Authorized & inpowred on the part of this province to meet with Commissioners which are or shall be appointed & Constituted by the Government of the Colony of Rhode Island &c fully Authorized and inpowred on their part, to agree and final issue to put in & to the Settlement of the Controverted Line at Attleborough Gore, as well as the other part of the Controverted line; the said Commissioners power to extend to the putting in Execution to all Intents & purposes the Vote or order of this Court passed in the present session for the Comprimis- ing the Controversy which has for a long time subsisted between the two Governments relating to the said Boundaries

In Council

Read and Concurre'd and William Dudley Benj<sup>a</sup> Lynde and Nathanael Hubbard Esq<sup>rs</sup> are join'd in the Affair. [*Passed July 7.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 106.  
Mass.  
Archives, vi.,  
551.

Mass.  
Archives, vi.,  
549. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 64;  
*ibid.*, xvii. (2),  
92. House  
Journal, p. 100.  
*Ante*, p. 572,  
chap. 9.

## CHAPTER 77.

### ORDER CONFIRMING 7,261 ACRES OF LAND TO THE NARRAGANSETT TOWNSHIP N<sup>o</sup> 4.

IN ANSWER to the Petition of Daniel Lewis Jun<sup>r</sup> [*ante*, p. 537, chap. 144] in the behalf of the Proprietors of the Narragansett Soldiers, N<sup>o</sup> 4. Praying, That whereas the township Granted to said Proprietors lyeth in two parts, Part at a Place on the branches of Swift River called Quabbin, and the other part in a Township containing Six miles Square adjoining to Hatfield on the West, part of which Township is Granted to the Canada Soldiers and others; And for as much as it appears to this Court that the Proprietors of the said Narragansett Soldiers and the Canada Soldiers are Granted on different Conditions, and that their interest are different in quantity.

It is therefore

*Ordered* and Confirmed by this Court to the said Narragansett Soldiers N<sup>o</sup> 4. the Quantity of Seven Thousand Two Hundred and Sixty One Acres of Land in said Township West of Hatfield, Seperate from

Legislative  
Records of the  
Council, xvii.,  
Mis., 104.  
Mass.  
Archives,  
cxiv., 304.

Mass.  
Archives,  
cxiv., 301-306.  
Legislative  
Records of the  
Council,  
xvii. (2), 94.  
House Jour-  
nal, pp. 93, 94.  
*Ante*, p. 350,  
chap. 206;  
p. 537, chap.  
144.



the said Canada Soldiers, in the form following. Viz<sup>t</sup> To begin at the Northeast Corner of said Township, and then to run Southerly, as by the Plan thereof until it cometh to the middle of, or center on the East Bounds And then to extend a Parrallel Line Westward with the North line of said Township so far as shall contain Seven Thousand Two Hundred Sixty One Acres which with the Fifteen Thousand Seven Hundred Seventy Nine Acres at Quabbin, makes up the Quantity of Six Miles Square, According to the said Grant to the said Narraganset Souldiers. [*Passed July 7.*]

## CHAPTER 78.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE CO. TREASURER OF ESSEX.

Legislative  
Records of the  
Council,  
xvii. (2), 95;  
*ibid.*, xvii.,  
Mis., 105.

House Jour-  
nal, pp. 33, 93.

AN ACCOMPT presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the year 1738, having been laid before the Court of General Sessions of the Peace for said County and by them allowed :  
Read, and

*Ordered* That the accompt be allowed except the Article of Twenty pounds charged by M<sup>r</sup> Clerk Sewell for making out Warrants for a County tax and dispersing them from the year 1725 to the Year 1738. which is an improper Charge and oñ't not to be allowed ; the Ballance of the Account (Exclusive of said Twenty pounds) being Thirty four pounds four shillings & nine pence the said Treasurer is further Accountable for to the said County. [*Passed July 9.*]

## CHAPTER 79.

### ORDER IMPOWERING THE JUSTICES OF THE COUNTY OF BARNSTABLE TO SELL AN INDIAN PRISONER.

Legislative  
Records of the  
Council,  
xvii. (2), 96.  
Mass.  
Archives,  
xxxi., 230.

Mass.  
Archives,  
xxxi., 228–233.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 105.  
House Jour-  
nal, pp. 100, 101.

A PETITION of Shubal Gorham Esq<sup>r</sup> Sheriff of the County of Barnstable ; Shewing that one David Stevens an Indian was by the Court of Assize and General Gaol Delivery for said County, convict of Man Slaughter in the death of one Samuel Tompshill, and that he is utterly unable to pay the costs of his prosecution (according to the sentence of the Court) and the charge of his imprisonment since the sentence ; And therefore Praying that this Court would empower the Justices of the said County to sell the said Prisoner, for paying the said Charges, or that the Charges may be paid out of the publick Treasury

Read and

*Ordered* That y<sup>e</sup> prayer of the Petition be So far Granted as that the Justices of the Court of Gen<sup>l</sup> Sessions of the Peace for the County of Barnstable be and hereby are fully Authorized and Impowered To Sell & dispose of the Said David Stevens To any of his Majestys Good Subjects for a Term not Exceeding Ten years for the Most he will fetch the produce to be Applied towards defraying the Charges within Mentioned, and That the Remainder of Said Charges be paid out the Treasury of Said County agreeable To law the Same being a proper County Charge. [*Passed July 9.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE NINETEENTH DAY OF SEPTEMBER, A.D. 1739.

## CHAPTER 80.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE TO BURN TORN  
AND DEFACED BILLS AND DISCHARGING THE TREASURER OF THE  
SUM OF £37,124. 17. 6.

PURSUANT to the Order of the General Court at their Session Novem-  
ber 29. 1738. the committee have received of Mr Treasurer Foye torn  
and defaced bills of the several denominations.

Which sum of Thirty Seven Thousand one hundred twenty four  
Pounds seventeen shillings and six pence, the Committee have seen  
consumed to ashes, and given him a Receipt accordingly.

In the Name and by Order of the Committee

Boston. Feb. 20. 1738.

EZEK. LEWIS.

Read and

*Voted* that this Report be accepted and the Treasurer is hereby dis-  
charged of the s<sup>d</sup> Sum of Thirty Seven Thousand one Hundred and  
Twenty four pounds Seventeen Shillings and Six pence accordingly.  
[*Passed September 20.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 112.  
Mass.  
Archives, ci.,  
633.

Legislative  
Records of the  
Council,  
xvii. (2), 108.  
House Jour-  
nal, p. 110.  
*Ante*, p. 551,  
chap. 181.

## CHAPTER 81.

ORDER ALLOWING THE ACCT OF THE COUNTY TREAS<sup>r</sup> OF PLYM<sup>o</sup>.

AN ACCOMPT presented by John Foster, Treasurer of the County of  
Plymouth, for the year 1738, having been laid before the Court of  
General Sessions of the Peace for said County, and by them allowed:

Read &

*Ordered*, that this account be allowed. [*Passed September 21.*]

Legislative  
Records of the  
Council,  
xvii. (2), 110;  
*ibid.*, xvii.,  
Mis., 109.

House Jour-  
nal, pp. 10, 13,  
110.

## CHAPTER 82.

ORDER APPOINTING A COMMITTEE FOR BURNING TORN AND DEFACED  
BILLS OF CREDIT.

In the House of Representatives,

*Order'd*, That Mr. Speaker, Thomas Greaves Esquire, Mr. Edward  
Bromfield, Mr. James Allen, Mr. Thomas Cushing, Mr. Christopher  
Kilby and Samuel Watts Esquire, with such as shall be Joyned by  
the Honourable Board be a Committee in the recess of the Court to  
Burn and Consume to Ashes all such torn and defaced Bills lying in

Legislative  
Records of the  
Council, xvii.,  
Mis., 112.  
Mass.  
Archives, ci.,  
632.

Legislative  
Records of the

Council,  
xvii. (2), 111.  
House Jour-  
nal, p. 112.

the Hands of the Treasurer, as are unfit to pass out of the Treasury. that they give the Treasurer a Receipt for the same, and make Report to this Court at their next Sitting.

In Council

Read and Concurr'd and Edward Hutchinson Ezekiel Lewis, John Jeffries, Jacob Wendell, Richard Bill and Samuel Danforth Esquires are Joyned in the Affair. [*Passed September 22.*<sup>1</sup>]

## CHAPTER 83.

Legislative  
Records of the  
Council, xvii.,  
Mis., 100.  
Mass.  
Archives, xli.,  
405.

ORDER FOR ADJOURNING THE COURTS IN THE COUNTY OF YORK.

Legislative  
Records of the  
Council,  
xvii. (2), 112.  
House Jour-  
nal, p. 115.  
Province  
Laws, ii., 756,  
chap. 3.

WHEREAS the Court of General Sessions of the Peace & Inferior Court of Common Pleas for the County of York are appointed by Law to be held at Falmouth on the First Tuesday in October, And divers of the Justices of the said Courts are Members of this Court; which will probably sit till that Time; Therefore

*Ordered* that the Justices of the said Courts be & hereby are impow-  
ered & directed to adjourn the same till the first Tuesday in Novem-  
ber next, then to be held at Falmouth afore said. [*Passed September 25.*]

## CHAPTER 84.

Legislative  
Records of the  
Council,  
xvii. (2), 118.

ORDER REFERRING THE PETITION OF THE WEST INHAB<sup>s</sup> OF SUFFIELD  
FOR A SEPARATE PRECINCT.

House Jour-  
nal, p. 117.  
*Ante*, p. 596,  
chap. 63.

ON THE PETITION of divers of the Inhabitants of the West Part of  
the Town of Suffield; [*ante*, p. 596, chap. 63]

*Ordered* that the further consideration of this Petition be refer'd to  
the next Sitting of this Court. [*Passed September 27.*]

## CHAPTER 85.

ORDER REFERRING THE TOWNSHEND PETITION FOR A TAX ON LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 118.  
Mass.  
Archives,  
cxiv., 446.

A PETITION of Samuel Manning in behalf of the Inhabitants of the  
Town of Townshend; Setting forth the great difficulties they are under  
in providing for the support of their Minister, and praying that the  
unimproved lands lying in said Town may be taxed at one penny per  
Acre a year, for three years next coming.

Read and

Mass.  
Archives,  
cxiv., 447.  
House Jour-  
nal, p. 117.  
*Ante*, p. 186,  
chap. 143.

*Ordered* that the Petitioner Sam<sup>l</sup> Manning notifie the Prop<sup>rs</sup> of all the  
Unimproved lands in the Town of Townshend with the Subject Matter  
of this Petition and the Prayer thereof by publishing the Same in the  
Boston News Papers for the Space of four Weeks Successively at least,  
that so the s<sup>d</sup> Proprietors of the said Unimproved Lands may shew cause  
(if any they have) on the first Thirsday of the next Sitting of the Court  
why the prayer thereof should not be granted And the Petition is referred  
in the mean time for consideration. [*Passed September 27.*]

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is September 20.

## CHAPTER 86.

ORDER APPOINTING A COMMITTEE TO WRITE TO THE AGENT ON  
RHOD ISLAND AFFAIR.

## In Council

*Voted* That William Dudley, Benjamin Lynde, & Nathaniel Hubbard Esq<sup>rs</sup> with Such as Shall be joined by the Hon<sup>ble</sup> House of Representatives be a Committee to prepare the Draught of a Letter to M<sup>r</sup> Agent Wilks to acquaint him of what pass'd at the late Interview at Bristol between the Commissioners from this Government and the Government of Rhode Island appointed to adjust the Difference on the Affair of the Boundaries between Said Governments; & to give him Such other Advices & Directions in the matter as may be judged necessary & make Report as Soon as may be; and that the Said Committee be impowered & directed to take effectual Care that the Records of the Colony of Rhode Island & of y<sup>e</sup> late Colony of Plymouth be carefully Searched & all Copies taken out of the Same that may be useful in the Controversy.

In the House of Rep<sup>ues</sup>

Read and concurred and Sam<sup>l</sup> Welles Tho<sup>s</sup> Greaves Esq<sup>rs</sup> and M<sup>r</sup> Thomas Cushing and <sup>1</sup> Are Joyned in the Affair. [*Passed September 28.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 113.  
Mass.  
Archives, vi.,  
554.

Legislative  
Records of the  
Council,  
xvii. (2), 119.  
House Jour-  
nal, p. 123.  
*Ante*, p. 601,  
chap. 76.  
*Infra*, chap. 87.

## CHAPTER 87.

VOTE ALLOWING PERSONS APPOINTED BY THE GOVERNMENT OF RHODE  
ISLAND TO HAVE FREE ACCESS TO THE PROVINCE RECORDS.

WHEREAS Proposals have been made for an amicable Agreement between this Governm<sup>t</sup> & the Government of Rhoad Island referring to their Boundaries; In Order therefore that the State of the Controversy: between them may appear in a true Light it is reasonable that each Government Shou'd have all proper Advantages for the Proof of any just Claim; and recourse to each others Records for the Same.

*Voted* that Such persons as Shall be appointed by the Said Government of Rhoad Island may have free Access to the publick Records of this Province and that they have full Liberty to Search the Said Records in the Secretarys Office & other Offices for Such Matters as have any Relation to the Said Boundaries; And that attested Copies of all Such writings be given out to them upon their paying the Charges thereof. [*Passed September 28.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 113.  
Mass.  
Archives, vi.,  
553.

Legislative  
Records of the  
Council,  
xvii. (2), 120.  
House Jour-  
nal, p. 123.  
*Supra*, chap.  
86.

## CHAPTER 88.

## ORDER REFERRING THE SPRINGFIELD PETITION ABOUT BOUNDARIES.

ON THE PETITION of the Proprietors of Springfield, [*ante*, p. 592, chap. 54]

Read and

*Ordered* that the further consideration of this Pet<sup>n</sup> be referred to the next Sitting of this Court. [*Passed September 28.*]

Legislative  
Records of the  
Council,  
xvii. (2), 122.  
Mass.  
Archives,  
cxiv., 385.

Mass.  
Archives,  
cxiv., 384.  
House Jour-  
nal, p. 117.  
*Ante*, p. 592,  
chap. 54.

<sup>1</sup> The House Journal, p. 123, reads, "John Chandler, Esq."

## CHAPTER 89.

## ORDER ANNEXING ONE HALF OF THE PROPRIETORS OF MARE POINT TO BRUNSWICK.

Legislative  
Records of the  
Council, xvii.,  
Mass., 114.  
Mass.  
Archives,  
cxiv., 389.

Mass.  
Archives,  
cxiv., 387.  
Legislative  
Records of the  
Council,  
xvii. (2), 122.  
House Jour-  
nal, p. 125.  
*Ante*, p. 587,  
chap. 40.

ON THE PETITION of the Proprietors of the point of Land in Casco Bay in the County of York called by the name of Marepoint. [*ante*, p. 587, chap. 40]

Read, and it appearing that the adverse party has been Served with a Copy of the Petition but no Answer given in ;

*Ordered* That the half of the Point of Land within mentioned, lying in the Township of North Yarmouth together with the Inhabitants thereon be & hereby are Set off from the Said Town of North Yarmouth, and annexed to and accounted as part of the Town of Brunswick there to do Duty & receive Privilege accordingly : Provided that the Property of the Lands be not in any wise hereby affected. [*Passed October 2.*]

## CHAPTER 90.

## ORDER REFERRING THE FALMOUTH PETITION IN REGARD TO TAXES ON LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 123.  
Mass.  
Archives,  
cxiv., 443.

Mass.  
Archives,  
cxiv., 442.  
House Jour-  
nal, pp. 125, 126.  
*Ante*, p. 199,  
chap. 171.

A PETITION of Phineas Jones on behalf of the Inhabitants of the Town of Falmouth, Shewing that this Court were pleased to impower the Petitioners to Tax the wast lands there at one peny per Acre per annum for defraying their charge ; but thrō the delay of the Persons concerned to take out the Warrants of Assessment they have hitherto lost the benefit of the said Order ; And for as much as their Charges are greatly increased and like still to increase ; therefore Praying that they may be impowered to tax the unimproved Lands at two pence per Acre per annum for three years next coming, to enable them to defray the charge of supporting their Minister & School Master.

Read and

*Ordered* that the Petitioner give publick notice to the Nonresident Proprietors of the Unimproved Lands in Said Town by inse[r]ting<sup>1</sup> it in the Boston News papers four Weeks successively at least that they Shew cause (if any they have) why the Prayer of the Petition should not be granted on the first thirsdays of the next Sitting of this Court and the Petition is referred in the Mean time for Consideration. [*Passed October 2.*]

## CHAPTER 91.

## ORDER REFERRING THE BAPTISTS PETITION IN REGARD TO MINISTERIAL TAXES.

Legislative  
Records of the  
Council,  
xvii. (2), 123.  
Mass.  
Archives, xii.,  
92.

House Jour-  
nal, p. 127.  
Province  
Laws, li., 714,  
chap. 6.

A PETITION of James Bound, Joseph Calendar, and others. Agents for the People called Baptists within this Province ; Shewing that whereas this Government have been pleased by law to exempt them from the charge of supporting Ministers of an other persuasion, the said Law is near expiring ; And therefore Praying that by an Act of this Court they may be further exempted from Ministerial Charges.

Read and

*Ordered* that the Consideration of this Petition be referred to the

<sup>1</sup> The House Journal, p. 126, reads, "inserting."



next Session of this Court And that the People called Baptists be not Subjected to any Tax for the Support of Ministers in the mean time. [*Passed October 2.*]

## CHAPTER 92.

ORDER WITH NOTICE REFERRING SETH PARKERS PETITION FOR RE-  
TRIAL OF AN ACTION.

A PETITION of Seth Parker of Falmouth in the County of Barnstable Esq<sup>r</sup> Shewing that in Febr̄y 1737 he brought an Action of Debt against Jeduthun Spooner of Dartmouth at the Inferior Court of Common Pleas held at Barnstable in March following, when the parties enter'd into a Rule of Court, but two of the Referrees brought in their Report against the Petitioner without ever hearing him or his Attorney; And therefore praying that he may have an other Trial of the said Cause at the next Inferior Court for the said County.

Legislative  
Records of the  
Council,  
xvii. (2), 124.  
Mass.  
Archives, xli.,  
409.

Mass.  
Archives, xli.,  
408. House  
Journal, p. 127.

Read and

*Ordered* that the Petitioner Serve the Adverse party the Said Jeduthun Spooner with a Copy of this Petition that He shew cause (if any he have) on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted and the Petition is referred in the Mean time for consideration Accordingly. [*Passed October 2.*]

## CHAPTER 93.

ORDER WITH NOTICE REFERRING THE PETITION OF DIVERS INHAB<sup>s</sup> OF  
THE PLANTAT<sup>n</sup> CALLED THE ELBOWS, IN REGARD TO TAXATION.

A PETITION of Steward Southgate and divers others inhabitants of the Plantation called the Elbows complaining against the other people there for the irregularity of their proceedings in the settlement of M<sup>r</sup> John Harvey in the Ministry and of the scandalous behaviour of the said Harvey since his Ordination, and Shewing the distresses and difficulties the Petitioners are under on this Account; Praying for relief from this Court.

Legislative  
Records of the  
Council,  
xvii. (2), 124.  
Mass.  
Archives, xli.,  
68.

Mass.  
Archives, xli.,  
65-69, 80-91, 100,  
101. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 114.  
House Jour-  
nal, pp. 116, 121.

Read and

*Ordered* that the Petitioners Serve M<sup>r</sup> John Harvey and some of the Principal Proprietors (not Petitioners) with a Copy of this Petition that they shew cause (if any they have) on the Second Fryday of the next Sitting of this Court why the prayer thereof should not be granted and the Petition is referred in the mean time for consideration And all proceedings with respect to Taxing the Pet's Lands and Alienating those already Taxed are Suspended in the Mean time. [*Passed October 2.*]

## CHAPTER 94.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO ROBERT  
AUKMUTY ESQ<sup>u</sup>.

A PLAT of Two Hundred Acres of land laid out by Joseph Wilder Jun<sup>r</sup> Survey<sup>r</sup> and Chain Men on Oath to fulfill a grant made by this Court to Robert Aukmuty Esq<sup>r</sup> adjoining to New Ipswich North Line; Beginning at a Red Ash Tree being the North West Corner; thence running North 78 Deg: East, by a line of marked Trees one hundred

Legislative  
Records of the  
Council,  
xvii. (2), 125.  
Mass.  
Archives,  
xli., 98.

Mass.  
Archives, vi.,  
106; *ibid.*,  
xlv., 97. Maps  
and Plans,  
xxvii., 3.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 122.  
House Jour-  
nal, pp. 121, 122.  
*Ante*, p. 523,  
chap. 114.

and forty rods on unappropriated land to a Stake and a Heap of Stones (the North East Corner) thence South by a line of marked Trees on unappropriated lands two hundred and forty six rods to a White Maple (standing in New Ipswich North Line) marked for the South East Corner; thence South 78 Deg. West one hundred and forty rods, by a line of marked Trees with New Ipswich Line to a White Maple (the South West Corner) thence North by a Line of Marked Trees on Jeffry Bedgoods farm two hundred and forty six rods to the place first mentioned.

Read and

*Ordered* that the within Platt be accepted and the lands therein delineated and described be and hereby are confirmed unto the Said Robert Auchmuty his Heirs and Assigns Provided the Platt exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed October 3.*]

## CHAPTER 95.

ORDER FOR COMMISSIONERS TO SETTLE THE LINE WITH RHODE ISL<sup>d</sup>.

Legislative  
Records of the  
Council, xvii.,  
Mis., 123.  
Mass.  
Archives, vi.,  
538.  
Mass.  
Archives, vi.,  
556-561.  
Legislative  
Records of the  
Council,  
xvii. (2), 126.  
House Jour-  
nal, p. 123.  
*Ante*, p. 605,  
chap. 86.

In the House of Representatives,

*Ordered*, That Samuel Welles Esq<sup>r</sup> Thomas Greaves Esq<sup>r</sup> M<sup>r</sup> Thomas Cushing and John Chandler Esq<sup>r</sup> with such as shall be joined by the Honourable Board, be Commissioners for and in behalf of this Government to meet with such Persons as the Government of Rhode Island shall alike Appoint and Impower and with them to Agree Compromise Issue and finally Settle the Dividing line or Boundary between that part of this Province which was formerly the Colony of New Plymouth and the Colony of Rhode Island, which Conclusion and Agreement Signed Sealed and perfected by the said Commissioners or the Major part of them shall be for ever held good firm and valid by this Government; And in Case the said Commissioners or the Major part of them shall not Agree with the Commissioners of Rhode Island or the Major part of them upon the Settlement of the said Boundary line then the Commissioners on the part of this Government are fully Authorized and Impowered to Nominate and Chuse three persons out of any of the Neighbouring Governments as Referrees to meet with three other persons of the Neighbouring Governments to be Chosen by the Commissioners of Rhode Island And the said Referrees together with an umpire or Seventh person, to be Nominated and Chosen in such manner as the Commissioners shall agree they or the major part of them to Settle and finally Issue the said Controverted line or boundary. Provided the Umpire and all the Referrees be present and Acting: and such Agreement and Conclusion under the Hands and Seals of the Commissioners of each Government or the major part of them or the Referrees or the Major part of them being delivered up to the Commissioners shall be held good and valid forever thereafter And in Case any of the Referrees, to be Chosen by the Commissioners of this Government should not Attend, then and in such Case, they shall have full power, to Chuse such other Persons as aforesaid in the Room of the Absent Referree or Referrees: And in Case the Umpire should not Attend then the Commissioners to proceed to a New Nomination and Choice in such manner as the first was Appointed. And in Case of the Death of either of the Commissioners or their Disability to Attend; It shall be in the power of the Governour and Council to Appoint another in his Stead; provided such failure happen during the Recess of the Court Provided also that the Government of Rhode

Island Impower and Authorize their Commissioners as fully as those on the part of this Government: and the Determination be perfected and delivered as aforesaid by the first Day of June next.

In Council

Read & Concur'd & William Dudley, Benj<sup>a</sup> Lynde Jun<sup>r</sup> & Nath<sup>l</sup> Hubbard Esq<sup>rs</sup> are joined in the Affair. [*Passed October 4.*]

## CHAPTER 96.

### ORDER OF NOTICE ON THO<sup>s</sup> HOMANS PETITION FOR A RE-TRIAL OF AN ACTION WITH STAY OF EXECUTION.

A PETITION of Thomas Homans of Boston mariner, Shewing that one Thomas Hawkins ship'd himself aboard the Mary Galley (whereof the Petitioner was Master) for Spain and London and was regularly discharged and paid off at the end of the Voyage; that Charles Reading father in law to the said Hawkins sued the Petitioner at the Inferior Court held at Ipswich in the year 1736 upon the Act for carrying off Servants and Sons under Age, that the Petitioner rather than contest the matter in the Law gave the said Reading five pounds in full of all demands and then went to sea. Notwithstanding which the said Reading pursued his action and recovered Judgem<sup>t</sup> against the Petitioner for fifty pounds and costs; And therefore praying that he may have a new Trial of the said cause by a Jury & that Execution may be staid.

Read &

*Ordered* that the Petitioner Serve the adverse party with a Copy of the Petition, that he Shew Cause, if any he have, on the first Thursday of the next Sitting of the Court, why the Prayer thereof Should not be granted, and Execution within mentioned is hereby Staid in the mean time. [*Passed October 4.*]

Legislative  
Records of the  
Council,  
xvii. (2), 128.  
Mass.  
Archives,  
lxiii., 524.  
Mass.  
Archives,  
lxiii., 522.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 120.  
House Jour-  
nal, p. 130.  
Province  
Laws, ii., 119,  
chap. 14.

## CHAPTER 97.

### ORDER IMPOWERING THE TOWN OF LITCHFIELD TO LEVY AND COLLECT A TAX OF TWO PENCE PER ACRE FOR THREE YEARS ON UNIMPROVED LANDS.

ON THE PETITION of Jonathan Powers Nathan Kendal & Aquilla Underwood Agents of the town of Litchfield. [*ante*, p. 576, chap. 18]

Read and it appearing that the Petition<sup>rs</sup> had notified the Non Resident Proprietors of Lands within the Township of Litchfield agreeable to the Order of this Court pass'd at the Session held the Thirtieth of May last, but no Answer being given in,

*Ordered* that the Prayer of the Petition be granted and that all the unimproved Lands lying within the Said Town of Litchfield be and hereby are Subjected to the Payment of a Tax of Two pence per Acre per Annum for the Space of three Years next coming; the Money arising thereby to be applied towards finishing the Meeting House & the Settlement & Support of the Ministry among them; And the Assessors of the Said Town for the Time being are impowered and directed to make the Assessment of the Said Tax on the Proprietors of the Said unimproved Lands: And the Constables & Collectors of the Said Town for the Time being are also impowered & required to collect the Said

Legislative  
Records of the  
Council, xvii.,  
Mis., 115.  
Mass.  
Archives,  
cxiv., 504.  
Legislative  
Records of the  
Council,  
xvii. (2), 128.  
House Jour-  
nal, p. 131.  
*Ante*, p. 576,  
chap. 18.

Tax & pay in the Same to the Town Treasurer for the Use aforesaid agreeable to the Warrants they Shall receive on the List of Assessment of the Said Tax. [*Passed October 4.*]

## CHAPTER 98.

### ORDER IMPOWERING ABIEL WALLEY TO ENTER A COMPLAINT.

Legislative  
Records of the  
Council, xvii.,  
Mis., 121.  
Mass.  
Archives, xli.,  
423.

Mass.  
Archives, xli.,  
422. Legisla-  
tive Records of  
the Council,  
xvii. (2), 129.  
House Jour-  
nal, p. 131.  
*Ante*, p. 581,  
chap. 28.

ON THE PETITION of Abiel Walley Esq<sup>r</sup> [*ante*, p. 581, chap. 28]

Read And it appearing that the Attorney of the Said William Vaughan had been duly Served with a Copy of the Petition, but no Answer being given in

*Ordered* that the Prayer of the Petition be granted & that the Petitioner be allowed & impowred to enter his Complaint on the Judgment within mentioned in the Superiour Court of Judicature &c to be held at Boston in the County of Suffolk on the Second Tuesday of February next, And the Justices of the Said Court are hereby impowred & directed to hear the Same make up Judgment thereupon, & award Execution Accordingly. [*Passed October 4.*]

## CHAPTER 99.

### ORDER IMPOWERING ELISA<sup>A</sup> KING TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 130;  
*ibid.*, xvii.,  
Mis., 116a.

Mass.  
Archives,  
xvii., 650–652.  
House Jour-  
nal, pp. 127, 128,  
130. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Elisabeth King Widow and Administ<sup>r</sup> of Peter King late of Sudbury dec<sup>d</sup> intestate, and Guardian to one of his Children and of John Haynes and Ezra Greaves Guardians to the other Children; Shewing that the said Peter King left a small estate, viz<sup>t</sup> a House and about thirty five acres of Land lying in Sudbury aforesaid, which was valued at £180 and a Personal estate valued at £60. That the debts amount to at least £110 Praying that the said Administ<sup>r</sup> may be impowred to sell the said Real Estate for the payment of the said Debts, the Remainder to be for the benefit for the said Widow and Children.

Read &

*Ordered*, that the prayer of the Petition be granted, and the Petitioner is hereby allowed and impowred to make sale of the land within mentioned fore<sup>1</sup> the most the same will fetch and to pass & Execute in due form of Law a good Deed or Deeds of sale & conveyance thereof and in proceeding in the Sale to observe the rules & directions of the Act of this Province of the sixth of the Reign of His late Majesty King George Chap: 3<sup>d</sup> relating to the Sale of Real Estates, the proceeds thereof to be applied to the payment of the deceased's just Debts The Overplus (if any there be) to be secured upon Interest for the benefit of the said Widow and Children Provided the Petitioner give sufficient caution to the Judge of Probate for the County of Middlesex that the said Overplus be duly & truly applaid<sup>1</sup> to the purposes aforesaid. [*Passed October 4.*<sup>2</sup>]

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is October 3.



## CHAPTER 100.

ORDER OF NOTICE ON THE PETITION OF M<sup>RS</sup> ABIEL FITCH AND M<sup>R</sup> JAMES ALLEN EXECUTORS TO SELL LAND.

A PETITION of M<sup>RS</sup> Abiel Fitch and M<sup>R</sup> James Allen two of the Executors of the last Will and Testament of Thomas Fitch Esq<sup>r</sup> dec<sup>d</sup> Praying liberty from this Court to sell a House and Land in Boston belonging to the estate of the deceased, which was formerly the estate of Gyles du Lake Tidmarsh dec<sup>d</sup> the said House being in a very ruinous condition, and by reason of the Estates being undivided neither of the Executors can think it proper to repair it, & one of the Heirs being in his minority.

Legislative  
Records of the  
Council,  
xvii. (2), 137.  
Mass.  
Archives,  
xvii., 654.

Mass.  
Archives,  
xvii., 653.  
House Jour-  
nal, p. 132.

Read and

*Ordered* that the Pet<sup>rs</sup> Serve Andrew Oliver Esq<sup>r</sup> Guardian to the Minor therein mentioned with a Copy of this Petition that He shew cause if any He have Why the Prayer thereof should not be granted on the first friday of the Next Sitting of this Court. [*Passed October 5.*]

## CHAPTER 101.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND TO JEREMIAH ALLEN ESQ<sup>R</sup>.

A PLAT of Five Hundred<sup>1</sup> Acres of Land laid out by Joseph Wilder Jun<sup>r</sup> Survey<sup>r</sup> and Chain men on oath, to fulfill a grant made to Jeremiah Allen Esq<sup>r</sup> adjoining to a new Township called Peterborough, and bounding North upon it; Beginning at two small Beach Trees on the road that leads to said Township at the Corner of the lot Number One (the North West corner of the Farm) thence running East on the Town Line four hundred and thirty six rods to a Line Wood Tree marked and cornered (being the North East corner) thence running South by a line of marked Trees on unappropriated land two hundred and fourteen rods to a White Maple Stake and Stones marked and cornered (being the South East Corner) thence running North 72 deg. West, by a line of marked Trees on a pitch made for M<sup>r</sup> Read [two]<sup>2</sup> hundred and forty rods, and [two]<sup>2</sup> hundred and forty rods on a pitch made for Robert Aukmuty Esq<sup>r</sup> and ninety seven rods on Cpt. Bedgoods farm to a Beach marked and cornered, and thence West one hundred and sixty eight rods to the South West corner, and thence North by a line of marked Trees one hundred and thirty two rods, to the place first mentioned.

Read and

*Ordered* that the within Platt be accepted and the lands therein delineated and described be and hereby are confirmed to the Said Jeremiah Allen His Heirs and Assigns Provided the Platt exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed October 5.*]

Legislative  
Records of the  
Council,  
xvii. (2), 137.  
Mass.  
Archives,  
xvii., 96.

Mass.  
Archives,  
xvii., 95.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 121.  
House Jour-  
nal, p. 130.  
*Ante*, p. 598,  
chap. 69.

<sup>1</sup> The House Journal, p. 130, reads, "two hundred."

<sup>2</sup> Inserted from Mass. Archives, xvi., 95.



## CHAPTER 102.

## ORDER WITH NOTICE ON THE PETITION OF ROBT TEMPLE FOR A RETRIAL OF AN ACTION WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (2), 138.

Mass.  
Archives, xli.,  
450. House  
Journal,  
pp. 133, 136.

A PETITION of Robert Temple of Boston, praying that he may be admitted to a new Trial of two actions commenced against him by Elisha Hedge and James Hay, at the next Superior Court of Judicature for the County of Worcester, he having lost the benefit of his law at the last Trial of the said causes at the Superior Court for the s<sup>d</sup> County, by reason of the unexpected sickness of his Attorney.

Read and

*Ordered* that the Petitioner serve the adverse party with a copy of this Petition, that they shew cause, if any they have, on the second Thursday of the next Sitting of the Court, why the prayer thereof should not be granted, and that execution be staid in the mean time. [*Passed October 5.*]

## CHAPTER 103.

## ORDER WITH NOTICE ON THE PETITION OF MOSES KING FOR A RETRIAL OF AN ACTION WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (2), 138.  
Mass.  
Archives, xli.,  
478.

Mass.  
Archives, xli.,  
477. House  
Journal,  
pp. 132, 133.

A PETITION of Moses King of Sheffield in the County of Hampshire; Shewing that the Petitioner in consideration of his receiving of Philip Livingstone Esq<sup>r</sup> of Albany £123 in New York money, gave him a Deed of certain parcels of land and his Dwelling house in Sheffield aforesaid, then worth three times the sum, and took M<sup>r</sup> Livingstones Bond for £400 of New York money, to reconvey the Premises to the Petitioner, upon his paying the sum borrowed, with interest; that the said Livingstone has sued out and recovered possession of the premises; in which suit the Petitioner thrō mistake, suffered himself to be defaulted, apprehending he had his remedy in the said Livingstones Bond, but the event proved otherwise; And therefore Praying that he may have a new Trial of his said Action at the Inferior or Superior Court in said County, notwithstanding his default.

Read &

*Ordered* that the Petitioner Seasonably Serve Phillip Levingston Esq<sup>r</sup> or his Attorney with a Copy of the Petition that he Shew Cause if any he have on the Second Tuesday of the next Sitting of the Court, why the Prayer thereof Should not be granted and Execution within mentioned is hereby ordered to be Staid in the mean Time. [*Passed October 5.*]

## CHAPTER 104.

## ORDER ALLOWING THE CO. TREASURER OF SUFFOLK HIS ACCT.

Legislative  
Records of the  
Council,  
xvii. (2), 140;  
*ibid.*, xvii.,  
Mis., 127.

House Jour-  
nal, pp. 128, 130.

AN ACCOMT presented by William Dudley Esq Treasurer for the County of Suffolk for the year 1738; Having been laid before the Court of General Sessions of the Peace for said County and by them allowed:

Read & Accepted, and thereupon

*Ordered* that the account be allow[ed] the Ballance whereof being fifty nine pounds eight Shillings & four pence in the hands of several constables together with the sum in the said Treasurers hands being five pounds two Shillings & eight pence the said William Dudley Esq<sup>r</sup> to be further accountable to said County for. [*Passed October 6.*]

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## CHAPTER 105.

### ORDER APPOINTING A COMMITTEE ON THE MASSACHUSETTS AND CONNECTICUT LINE.

THE SECRETARY laid before the Court a letter he had received from the Secretary of the Colony of Connecticut, and a Vote of the General Court of said Colony, referring to the Boundary Line of the two Governments, upon which the following Vote was pass'd, viz<sup>t</sup>

In the House of Rep<sup>res</sup>

Whereas the General Assembly of the Colony of Connecticut have Appointed a Committee to repair to that part of the Line between Woodstock and that Government to Joyn with a Committee that shall be appointed by this Court to rectifye any Mistakes that are or may be complain'd of by the Proprietors of Woodstock Ashford and Union, and to make proper Monuments in the Said tine <sup>1</sup>

*Voted* that John Chandler Jun<sup>r</sup> Esq<sup>r</sup> with Such as shall be Joyned by the Hon<sup>ble</sup> Board be a Committee fully Impowred for the purposes Abovementioned

In Council

Read and Concurr'd and William Dudley Esq<sup>r</sup> is join'd in the affair. [*Passed October 9.*]<sup>2</sup>

Legislative  
Records of the  
Council, xvii.  
(2), 139.  
Mass.  
Archives, iv.,  
18.

Legislative  
Records of the  
Council, xvii.,  
Mis., 128.  
House Jour-  
nal, pp. 139, 140.

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## CHAPTER 106.

### ORDER ALLOWING £15 TO THE SHERIFF OF THE COUNTY OF SUFFOLK FOR TAKING THE COUNTERFEIT<sup>RS</sup> OF RH. ISLAND BILLS.

WHEREAS information has been given to this House that there is a Large Quantity of Counterfiet five pound Bills in imitation of those of the Colony of Rhod island which now lye in the hands of a Number of ill minded Persons Who are attempting to put them off in payment and some discovery of this great Mischief has been made by the Authority and that it's probable the Plate and Counterfiet Bills together with the Persons concerned in counterfieting or altering the same may be taken and convicted if Speedily pursued. Therefore

*Voted* that there be paid out of the Publick Treasury into the Hands of the Sheriff of the County of Suffolk the Sum of fifteen pounds bills of the new Tenor to Enable him forth with to pursue All such Suspected Persons and bring them to Justice the Said Sheriff to be accountable for the Same. [*Passed October 9.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 127.  
Mass.  
Archives, ci.,  
662.

Mass.  
Archives, ci.,  
662. Legisla-  
tive Records of  
the Council,  
xvii. (2), 141.  
House Jour-  
nal, p. 140.

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is October 6.

## CHAPTER 107.

ORDER OF NOTICE ON THE PETITION OF ZECH<sup>A</sup> SMALLAGE TO ENTER  
AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (2), 144.

Mass.  
Archives, xli.,  
436, 437. House  
Journal,  
pp. 129, 141.

A PETITION of Zeehariah Smallage; Shewing that at the Superior Court of Judicature held at Charlestown for the County of Middlesex on the last Tuesday in January 1737 he was Appellant and John Haynes Jun<sup>r</sup> Appellee in an Action brought by the said Haynes against the Petitioner for not delivering certain goods ship'd aboard the Speedwell whereof the Petitioner was master, and Judgement was enter'd up by way of complaint against the Petitioner for Non Appearance; And forasmuch as the Petitioner was then at Sea, and his Attorney sick and not able to attend the Court, therefore Praying that he may be allowed to enter his Appeal at the next Superior Court of Judicature for the said County, and that the said Court may be impowered to try the same, and that the Petitioner may be discharged from giving Bond to the clerk of the said Court, to abide the Judgement of the Court, upon his paying the costs hitherto incur'd

Read and

*Ordered* that the Petitioner forthwith serve the adverse party the within named John Haynes Jun<sup>r</sup> with a copy of this petition, that he shew cause if any he have why the Prayer thereof should not be granted, on Fryday the twelfth of October instant if the Court be then sitting, if not, then on the first Thursday of the next Sitting of this Court. [*Passed October 9.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FIFTH DAY OF DECEMBER, A.D. 1739.

## CHAPTER 108.

VOTE DIRECTING THE TOWNS TO CHOOSE PERSONS, TO SEE TO THE  
EXECUTION OF THE ACT AB<sup>t</sup> DEER.

WHEREAS Sundry Towns have not complied with the Law pased at the Session of this Court in May last "Entitled an Act for the better preservation of Deer within this Province" referring to the Choice of Meet Persons to see that the Violaters thereof be prosecuted and Punished occasion'd by means of said Laws not being timely sent to them.

Therefore

*Ordered* that Such Towns as have not yet Acted in conformity to said Law in that respect, have liberty upon due Warning given to Assemble and Meet at any time before the last day of this Instant December, and Chuse such Persons as in and by said Law they were required, whose duty it shall be to See that the Violaters thereof be prosecuted and punished as though they had been Chosen within the time Limited by said Law, and to stand till the Annual Meeting in March Next. [*Passed December 7.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 130.  
Mass.  
Archives, i.,  
150.

Legislative  
Records of the  
Council,  
xvii. (2), 157.  
House Jour-  
nal, p. 151.  
Province  
Laws, ii., 988,  
chap. 3.

## CHAPTER 109.

ORDER APPOINTING A COMMITTEE ON THE REPORT ABOUT MISTAKES  
IN RUNNING THE LINE ON CONNECTICUT.

WILLIAM DUDLEY ESQ<sup>R</sup> from the Committee of both Houses appointed to rectify a mistake suggested to have been made in running the Divisional Line between this Province and the Colony of Connecticut in that part that borders on Woodstock; Reported that they found that there was a great Mistake in running the Line in an other part, which was much to the injury of this Province, which the Committee for Connecticut refused to rectify, and therefore this Committee did not think it proper to rectify the other Mistake, without the further Order of this Court.

In Council Read &

*Ordered* that William Dudley Joseph Wilder & Benjamin Lynde ESQ<sup>RS</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to consider & report what is proper for this Court to do on the Affair above mentioned.

In the House of Representatives

Read and concur'd and John Chandler ESQ<sup>r</sup> M<sup>r</sup> Thomas Cushing Samuel Watts ESQ<sup>r</sup> and M<sup>r</sup> Thomas Lee are Joyned in the Affair.  
[*Passed December 7.*]

Legislative  
Records of the  
Council,  
xvii. (2), 158.  
Mass.  
Archives, iv.,  
19.

Legislative  
Records of the  
Council, xvii.,  
Mis., 132.  
House Jour-  
nal, p. 153.  
*Ante*, p. 613,  
chap. 105.

## CHAPTER 110.

ORDER ACCEPTING THE COMMITTEES REPORT OF BURNING TORN AND DEFACED BILLS, AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £37,070.

Legislative  
Records of the  
Council, xvii.,  
Mis., 130.  
Mass.  
Archives, ci.,  
666.

Legislative  
Records of the  
Council,  
xvii. (2), 159.  
House Jour-  
nal, p. 151.  
*Ante*, p. 603,  
chap. 82.

THE COMMITTEE appointed by the General Court at their Session in September last. for burning of torn & defac'd Bills have duly attended that service at the House of M<sup>r</sup> Treasurer Foye, and have accordingly received of said M<sup>r</sup> Treasurer Foye in Bills of the Province of the Massachusetts Bay (Old tenor) the respective sums following; amounting in the whole to the sum of Thirty Seven thousand and Seventy pounds which Bills We have seen consumed to ashes accordingly; and are of opinion that the Treasurer be discharged of the above Sum of Thirty seven thousand & seventy pounds, agreeable to a Receipt under the hands of said Committee.

Read and

*Ordered* that this Report be accepted and that the Treasurer be and he hereby is discharged of the Said Sum of thirty Seven thousand and Seventy Pounds Accordingly. [*Passed December 7.*]

## CHAPTER 111.

ORDER IMPOWERING ALICE HINDES TO SELL LAND AND EXECUTE DEED OF CONVEYANCE.

Legislative  
Records of the  
Council,  
xvii. (2), 161.  
Mass.  
Archives,  
xvii., 649.

Mass.  
Archives,  
xvii., 648.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 131.  
House Jour-  
nal, p. 154.

A PETITION of Alice Hindes of Marblehead widow; Shewing that her late Husband Benjamin Hinde died seized of one fourth part of a tract of land in Dunstable heretofore Richard Normans, that he left five small Children three of which are dead since his decease, whose sickness was very chargeable to the Petitioner, which with their funeral charge is more than the Petitioner is able to defray; And therefore Praying as Adminis<sup>r</sup> of the said estate, and Guardian to her Children, for liberty from this Court to sell the said land.

Read and

*Ordered* that y<sup>e</sup> prayer of the Petition be granted and the Petitioner is allowed and Impowered to Make Sale of the Lands within Mentioned for the Most it will fetch and to pass and Execute in due form of Law a good Deed of Sale & Conveyance thereof to the person who Shall purchase the same, the Petitioner giving good and Sufficient Security to the Judge of Probate for the County of Essex that the mony Arising by Said Sale be duely Applied for the Ends & purposes mentioned in the Petition. [*Passed December 10.*]

## CHAPTER 112.

ORDER IMPOWERING MRS. ABIEL FITCH & JAS ALLEN EXECUTORS, TO SELL REAL ESTATE AND EXECUTE DEED OF CONVEYANCE.

Legislative  
Records of the  
Council,  
xvii. (2), 163.  
Mass.  
Archives,  
xvii., 656, 656b.

ON THE PETITION of M<sup>rs</sup> Abiel Fitch and M<sup>r</sup> James Allen Executors of Thomas Fitch Esq<sup>r</sup> dec<sup>d</sup>, [*ante*, p. 611. chap. 100]

Read, together with the answer of Andrew Oliver Esq<sup>r</sup> Guardian of his son Andrew, and the matter being fully considered



*Ordered* that the three Executors of the within named Deceased, (attending the Direction of the Law of the Province empowering Executors and Administr<sup>rs</sup> to sell real Estate) be & hereby are fully authorized & empowered jointly to make sale of the House & Land mentioned in the Petition, & to execute in due Form of Law a Deed for the Conveyance thereof to such Person or Persons as shall give most for the same; The Produce thereof to be disposed of according to the Directions of the Will of the Deceased. [*Passed December 12.*]

Mass.  
Archives,  
xvii., 653, 655.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 133.  
House Jour-  
nal, pp. 156, 158,  
159. *Ante*,  
p. 611, chap.  
100.

## CHAPTER 113.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO JOHN READ ESQ<sup>R</sup>.

A PLAT of Two Hundred Acres of Land laid out by Joseph Wilder Jun<sup>r</sup> Survey<sup>r</sup> and Chain men on oath, to fulfill a grant made by the General Court to John Read Esq<sup>r</sup> laid out adjoining to the land granted to Robert Aukmuty Esq<sup>r</sup> being bounded as follows, viz<sup>t</sup> Beginning at a Stake and Stones, being the South West corner, thence running North by a line of marked Trees two hundred and forty six rods to a stake and Stones, being the North West Corner; thence running South 72 deg: East, one hundred and forty rods by a line of marked Trees to a Stake and Stones, being the North East corner; thence South two hundred and forty six rods, by a line of marked Trees to the South East corner; and thence strait to the first mentioned Corner two hundred and forty rods.

Read and

*Ordered* that the within Plat be accepted and the lands therein delineated and described be and hereby are confirmed to the said John Read Esq<sup>r</sup> His Heirs and Assigns. Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed December 12.*]

Legislative  
Records of the  
Council,  
xvii. (2), 163.  
Mass.  
Archives,  
xli., 102.  
Mass.  
Archives,  
xli., 101.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 145.  
House Jour-  
nal, pp. 132, 154.  
*Ante*, p. 517,  
chap. 98.

## CHAPTER 114.

ORDER ALLOWING £6. 13. 4 TO ROB<sup>T</sup> WILSON.

A PETITION of Robert Wilson; Shewing that he continues disabled from supporting himself by his labour by reason of the wounds he received in the publick service under Cpt. Joseph Heath; And therefore Praying for relief from this Court.

Read, & in answer thereto.

*Ordered* that the Sum of Six Pounds thirteen shillings and four pence,<sup>1</sup> Bills of Credit of the New Tenor be allowed and paid out of the publick Treasury to the Overseers of the Poor of the Town of Boston to be by them distributed to the said Wilson as his occasions require. [*Passed December 14.*]

Legislative  
Records of the  
Council,  
xvii. (2), 167.  
House Jour-  
nal, pp. 154, 159.  
*Ante*, p. 535,  
chap. 138.

<sup>1</sup> The House Journal, p. 159, reads, £6. 13. 8. But see *infra*, chap. 118, and *post*, p. 677, chap. 15, from which the text of the order, as here given, appears to be correct. See also Province Laws, ii., 815, § 4; Davis on Currency in Province of Mass., 126.

## CHAPTER 115.

VOTE ALLOWING £10 PER ANNUM FOR FIVE YEARS TO EXPERIENCE MAHEW AND IMPOWERING HIM TO SURVEY AND LAY OUT 600 ACRES OF LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 167.  
Mass.  
Archives, xli.,  
106.  
Mass.  
Archives, xli.,  
104. House  
Journal,  
pp. 160, 162.

A PETITION of M<sup>r</sup> Experience Mahew of Marthas Vineyard Clerk, Shewing that he has laboured in the work of the Ministry for the Conversion of the Indians of that place for the space of Forty Five years successively, and has been obliged to spend Fifteen Hundred Pounds of his own estate for the support of his family; And therefore Praying for a Grant out of the unappropriated Lands of the Province.

Read and in answer to this Petition

*Voted* that there be allowed and paid out of the Publick Treasury unto the Rev<sup>d</sup> Experience Mayhew Minister of the Gospel among the Indians at Martha's Vineyard ten pounds *p* Annum in bills of Credit of the new Tenor equal to thirty pounds in Bills of the Old Tenor for the Space of five years, Provided the said Mayhew shall continue that Term in the Work of the Ministry among the Indians. Also

*Voted* that Six Hundred Acres of the the<sup>1</sup> unappropriated Lands of the Province be and hereby is given and granted to the Said Experience Mayhew his Heirs and Assigns and that accordingly He be allowed and Impowered by a Surveyor and Chain Men on Oath to Survey and lay out the same adjoining to some former Grant and that He return a Plat thereof to this Court within twelve Months for confirmation. [*Passed December 14.*]

## CHAPTER 116.

ORDER IMPOWERING NATH<sup>l</sup> CUNNINGHAM TO FILE AN APPEAL FROM A JUDGMENT.

Legislative  
Records of the  
Council,  
xvii. (2), 131.  
Mass.  
Archives, xli.,  
427.  
Mass.  
Archives, xli.,  
425, 428. Legis-  
lative Records  
of the Council,  
xvii., Mis., 141;  
*ibid.*, xvii. (2),  
142, 168. House  
Journal, p. 164.

A PETITION of Nathaniel Cunningham of Boston, merchant Shewing that he brought his Action of Debt at the Inferior Court of Common Pleas held at Boston aforesaid in April last against George Hews and Robert Hews of Boston aforesaid upon their Bond of £10,000 and Judgement went against the Petitioner, from which he appealed to the Superior Court held in August last; but by reason of a mistake in his reasons of Appeal, his Appeal was quashed; And therefore Praying that he may be impowered to file his Reasons of Appeal *de novo*, and have a Trial of the said cause at the Adjournment of the Superior Court to be held at Boston in Novem<sup>r</sup> next.

Read together with the answer of George & Robert Hewes, and the Matter being fully considered;

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioner be allowed & impowered to file his Reasons of Appeal, *De Novo*, from the Judgment within mentioned in the Clerks Office of the Inferiour Court of Common Pleas for the County of Suffolk fourteen Days at least before the Sitting of the Superiour Court of Judicature to be held in the Said County on the Second Tuesday of February next; And the Justices of the Said Superiour Court are hereby impowered & directed to hear & try the Said Action upon the Appeal enter up Judgment and award Execution accordingly; The Petitioner to give Notice of this Order to the Respondents at or before the Time of Filing his

<sup>1</sup> *Sic.*

Reasons of Appeal: Provided the Petitioner pay to the Said George & Robert Hewes the Costs already arisen on the Said Action. [*Passed December 14.*]

## CHAPTER 117.

### ORDER CONFIRMING VOTES, ORDERS, AGREEMENTS AND CONTRACTS OF THE PROPRIETORS OF SUNCOOK TOWNSHIP.

A PETITION of Noah Johnson and Benjamin Holt, Agents for the Proprietors of the Township of Suncook; Shewing that the said Johnson was chosen Proprietors Clerk & sworn to the faithful discharge of that Office by the Moderator of the Meeting in June 1737, and has since called divers meetings of the Proprietors, in which the Rev<sup>d</sup> M<sup>r</sup> Aaron Whittemore was chosen their Minister and his Salary voted, and many other things transacted for the good of the Proprietors. But for as much as the Proprietors are now apprehensive that the said Johnson was not sworn to his Office as the law directs; therefore for the preventing of all disputes and controversies, praying that all the Proceedings of the said Proprietors in their said Meetings may be confirmed by this Court, notwithstanding the said defect.

Read and

*Ordered* that all the Votes passed by said Proprietors [at their meetings held Sept<sup>r</sup> 19. 1733 & since]<sup>1</sup> as also all the Records of their Second divisions and All their Orders Agreements and Contracts as they stand entred in the present Record Book be ratified and Confirmed as good and Valid to all Intents and purposes Any Omission as to form in calling their Meetings or their Clerk not being Sworn notwithstanding. [*Passed December 15.*]

Legislative Records of the Council, xvii. (2), 169.  
Mass. Archives, cxiv., 467.  
Mass. Archives, cxiv., 466-469.  
Legislative Records of the Council, xvii., Mis., 142.  
House Journal, pp. 158, 162.

## CHAPTER 118.

### ORDER ALLOWING £6. 13. 4 TO JON<sup>a</sup> PIERPOINT.

A PETITION of Jonathan Pierpoint Chaplain of the Garrison at Richmond; praying that this Court would make him an Allowance out of the publick Treasury in consideration of Presents he has made to the Indians from time to time, the charge he has been at for Fire wood, and his administring to the sick and lame soldiers.

Read and

*Ordered* that there be allowed and paid out of the Publick Treasury to the Pet<sup>r</sup> the Sum of Six Pounds Thirteen shillings and four pence bills of Credit of the new Tenor or Twenty pounds bills of Credit of the Old Tenor as a Gratuity for his Services herein mentioned. [*Passed December 15.*]<sup>2</sup>

Legislative Records of the Council, xvii. (2), 170.  
Mass. Archives, lxxii., 487.  
Mass. Archives, lxxii., 485.  
Legislative Records of the Council, xvii., Mis., 141.  
House Journal, pp. 153, 164.

<sup>1</sup> Manuscript in Mass. Archives torn; the words in brackets supplied from Legislative Records of the Council, xvii., Mis.

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is December 14.

## CHAPTER 119.

ORDER IMPOWERING ROBT TEMPLE TO BRING FORWARD AN APPEAL,  
WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (2), 181.  
Mass.  
Archives, xli.,  
452.

Mass.  
Archives, xli.,  
450, 453. Legis-  
lative Records  
of the Council,  
xvii., Mis., 135.  
House Jour-  
nal, p. 175.  
*Ante*, p. 612,  
chap. 102.

ON THE PETITION of Robert Temple of Boston in the County of Suffolk Gentlemen<sup>1</sup> [*ante*, p. 612, chap. 102]

Read together with the Answer of William Brattle Esq<sup>r</sup> Attorney to the Respondents, and the Matter being fully considered

*Ordered* that the Prayer of the Petition be granted, And the Petitioners are allowed & impowered to bring forward Tryals of the Appeals from the Judgments within mentioned at the next Super<sup>r</sup> Court of Judicature &c. to be held at Worcester for the County of Worcester on the third Tuesday of Septem<sup>r</sup> next; And the Justices of the Said Court are hereby impowered and directed to hear & try the Said Actions upon the Appeals Enter up Judgments thereon, and award Executions Accordingly the Petitioner to give the Respond<sup>t</sup> Notice of this Order Fourteen Days before the Sitting of the Said Court; provided the Petitioner pay the Costs arising on the Said Actions in the Superiour Court. And Executions within mentioned are hereby Staid in the mean Time. [*Passed December 18.*<sup>2</sup>

## CHAPTER 120.

ORDER IMPOWERING ABIG. PRESCOT TO EXECUTE DEEDS OF CON-  
VEYANCE.

Legislative  
Records of the  
Council,  
xvii. (2), 178.  
Mass.  
Archives,  
xvii., 662.

Mass.  
Archives,  
xvii., 661.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 143.  
House Jour-  
nal, p. 167.  
*Ante*, p. 563,  
chap. 2.

A PETITION of Abigail Prescott Widow & Administ<sup>r</sup> of the Estate of Benjamin Prescott late of Groton in the County of Middlesex Esq<sup>r</sup> dec<sup>d</sup> Intestate: Shewing that her said Husband in his life time sold several tracts of Ont Lands to divers persons and agreed for the Price, and promised to give Deeds thereof, and some of the Deeds were drawn before his decease, but not executed; And therefore praying that the Petitioner may be impowered to pass and execute to the several purchasers Deeds of the Lands before mentioned.

Read and

*Ordered* that the Prayer of the Petition be granted and the Petitioner hereby is allowed and Impowered Accordingly with the Approbation of Nath<sup>l</sup> Sartell Esq<sup>r</sup>. [*Passed December 18.*

## CHAPTER 121.

VOTE IMPOWERING JOS. NEFF TO SURVEY AND LAY OUT 200 ACRES  
OF LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 179.  
Mass.  
Archives,  
xxxi., 262.  
Mass.  
Archives,

A PETITION of Joseph Neff of Haverhill; Shewing that his late mother Mary Neff being carried into Captivity by the Indians, assisted Mary Dunstan<sup>3</sup> (then also a Captive) in killing and scalping divers Indians, for which the said Mary never had a reward from this Government; and therefore praying a tract of unappropriated lands from this Court, in consideration of the service aforesaid.

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is December 19.

<sup>3</sup> "Duston," in Mass. Archives.



Read and in answer thereto

*Voted* that two Hundred Acres of the Unappropriated Lands of the Province be and hereby is given & granted to the Pet<sup>r</sup> his Heirs and Assigns and that accordingly He be allowed and Impowered by a Surveyor and Chainmen On Oath to Survey and lay out the Same adjoining to some former Grant and that he return a Plat thereof to this Court within twelve months for confirmation. [*Passed December 19.*]

xxxi., 261.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 142.  
House Jour-  
nal, p. 176.

## CHAPTER 122.

### ORDER IMPOWERING ABIG. ALLEN TO EXCHANGE LAND.

A PETITION of Abigail Allen of Chilmark in Dukes County Widow of Jonathan Allen of said place, deceased, Shewing that Ebenezer Allen Esq<sup>r</sup> dec<sup>d</sup> gave by his last Will and Testament unto his son Jonathan the Petitioners husband certain parcels of Upland and Meadow in Chilmark aforesaid, which are in such circumstances as to bring in but little profit, that the said Jonathan left an only child (a Daughter) who cannot be maintained and educated, nor the Petitioner supported by the Profit of the said land; And therefore Praying for liberty from this Court to sell the said Land, or exchange it for other land that lies more convenient and may be of greater profit for their support.

Legislative  
Records of the  
Council, xvii.,  
Mis., 180.  
Mass.  
Archives,  
xvii., 665.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed and Impowered to make the Exchange of the land mentioned in the Petition with the direction and Consent of Enoch Coffin Esq<sup>r</sup> and M<sup>r</sup> John Sumner. [*Passed December 19.*]

Mass.  
Archives,  
xvii., 663.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 142.  
House Jour-  
nal, pp. 155, 166.

## CHAPTER 123.

### ORDER CONFIRMING A PLAT OF 250 ACRES TO M<sup>r</sup> EDW<sup>d</sup> SHOVE.

A PLAT of Two hundred and fifty acres of land laid out by Nathaniel Kellog Esq<sup>r</sup> Survey<sup>r</sup> and Chain men on oath, to fulfill a grant made to M<sup>r</sup> Edward Shove, bounded West on Boston Township N<sup>o</sup> Two, lying North Westerly from Deerfield, on all other parts by Province Land; Beginning at a Beach Tree mark'd **E S.** standing in the East Line of Boston Township number Two, twenty one rods North of a small run of water, crossing said East Line and running Eastward and emptying itself into Green River; thence running East one hundred rods; thence South 12 Deg. East, three hundred and twelve rods; thence West one hundred and sixty rods to the East Line of Boston Township aforesaid; thence North three hundred and seven rods to the Beach Tree first mentioned.

Legislative  
Records of the  
Council, xvii.,  
Mis., 185.  
Mass.  
Archives,  
xvii., 100.

Mass.  
Archives,  
xvii., 99.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 144.  
House Jour-  
nal, p. 162.  
*Ante*, p. 137,  
chap. 29.

Read and

*Ordered* that the within Plat be accepted and the lands therein delineated and Described be and hereby are confirmed to the said Edward Shove His Heirs and Assigns Provided the Plat Exceeds not the Quantity of the Grant and does not Interfere with any former Grant. [*Passed December 20.*<sup>1</sup>]

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is December 21.



## CHAPTER 124.

## ORDER IMPOWERING THE TOWN OF STURBRIDGE TO LEVY AND COLLECT A TAX OF TWO PENCE PER ACRE ON LAND.

Legislative  
Records of the  
Council, xvii.,  
Mis., 143.  
Mass.  
Archives,  
cxiv., 381.

Mass.  
Archives,  
cxiv., 380, 383.  
Legislative  
Records of the  
Council,  
xvii. (2), 186.  
House Jour-  
nal, pp. 174, 175.  
*Ante*, p. 570,  
chap. 3.

ON THE PETITION of Moses Mercy in behalf of the Inhabitants of Sturbridge in the County of Worcester. [*ante*, p. 570, chap. 3]

Read together with the Answer of divers of the Proprietors of the Unimproved Lands in the Town of Sturbridge, and

*Ordered*, That the Prayer of the Petition be so far Granted, as that all the unimproved Lands lying within the said Town of Sturbridge belonging to the Resident as well as Non-Resident Proprietors be, and hereby are Subjected to the Payment of a Tax of Two pence *per* Acre, *per* Annum for the Space of Three Years next coming; The Money arising thereby to enable the said Town the better to support the Ministry among them; And the Assessors of the said Town for the Time being are impowered and directed to make the Assessment of the said Tax on the said Unimproved Lands; And the Constables or Collectors of the said Town for the Time being are also impowered and required to collect the said Tax, and pay in the same to the Town Treasurer for the Use aforesaid, Agreeable to the Warrants they Shall receive on the List of Assessment of the said Tax. [*Passed December 20*.<sup>1</sup>

## CHAPTER 125.

ORDER EMPOWERING EBEN<sup>R</sup> BURRILL ESQ<sup>R</sup> AS GUARDIAN TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xvii. (2), 179.  
Mass.  
Archives,  
xvii., 659.

Mass.  
Archives,  
xvii., 658.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 147.  
House Jour-  
nal, pp. 184, 185.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ebenezer Burrill Esq<sup>r</sup> Guardian of John Skinner and Alice Skinner, heirs of Richard Skinner late of Marblehead, mariner, dec<sup>d</sup>; praying liberty to sell a house and garden spot belonging to the deceaseds estate, with the interest he had in divers other buildings and garden spots in Marblehead, the said Buildings being much out of repair and the rents very inconsiderable.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Petitioner; Guardian of the Minors within named is hereby authorized & impowered to make Sale of the Dwelling House & their Interest in the other Buildings and the Lands belonging to the Same as within mentioned for the most the Same will fetch and to pass & execute in due Form of Law a good Deed or Deeds of Sale & Conveyance thereof to the person or persons that Shall purchase the Same; And in proceeding therein to observe the Rules & Directions of the Act of this Province of the Sixth year of the Reign of the late King George Chap. 3<sup>d</sup> relating to the Sale of Real Estates: provided the Petitioner give Sufficient Caution to the Judge of Probate of Wills &c for the County of Essex, that the annual Issues and profits of the principal Sum which Shall arise by the Sale of the Premises Shall be well & truly applied for the best Use & Advantage of the Said Minors: And the Principal with what Interest Shall be in the Petitioners Hands at the Arrival of Said Minors at Age or Marriage respectively, Shall be then paid them. [*Passed December 21*.<sup>2</sup>

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is December 21.

<sup>2</sup> This date is according to the House Journal; according to both copies of Legislative Records of the Council the date is December 19.

## CHAPTER 126.

## ORDER REFERRING TO A COMMITTEE THE PETITION OF THE PROPRIETORS OF GRAFTON.

A PETITION of the Proprietors of the Town of Grafton, Shewing that they apprehend it just and reasonable that the present Proprietors of said Town should maintain Preaching and Schooling for the Indians, and therefore Praying that the Bonds of the old Proprietors may be cancel'd, and that the Town may be obliged to perform the said Obligation.

Read and

*Ordered* that this Petition with the Papers Accompanying the same be referred to the Committee for Letting out the Money belonging to the Hassanamisco Indians, to whom was referred the Petition of Mr Samuel Chandler and Others as Entred the 20<sup>th</sup> of June last. [*Passed December 21.*]

Legislative  
Records of the  
Council, xvii. (2), 189.  
Mass.  
Archives, cxiv., 462.

Mass.  
Archives, cxiv., 460.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 145.  
House Journal, p. 153.  
*Ante*, p. 589,  
chap. 45.

## CHAPTER 127.

ORDER REFERRING THE PETITION OF NATH<sup>L</sup> COIT &<sup>C</sup> OF GLOCESTER.

A PETITION of Nathaniel Coit for him<sup>1</sup> himself and a considerable number of others of the Town of Glocester; Praying that they and their families, together with such others in the said first Parish in Glocester as shall be willing to join with them may be set off from the said Parish and made a distinct Precinct.

*Ordered* that the further Consideration of this Petition be refer'd to the first Thursday of the next Sitting of this Court; And it is recommended to the Parties to endeavour in the mean time to accomodate the Matter in Difference between them; And if that can not be effected that the adverse Party then shew Cause to this Court why the Prayer of the Petition should not be granted. [*Passed December 21.*]

Legislative  
Records of the  
Council, xvii. (2), 168.  
Mass.  
Archives, cxxliii., 50.

Mass.  
Archives, cxxliii., 50.  
Legislative  
Records of the  
Council, xvii. (2), 190.  
House Journal, pp. 161, 164,  
185. *Ante*,  
p. 530, chap.  
127.

## CHAPTER 128.

ORDER REFERRING THE PETITION OF SAM<sup>LL</sup> CHANDLER & OTHERS.

ON THE PETITION of Samuel Chandler, John Sherman and Phineas Rice a Committee for and in behalf of the Original Proprietors of Hassanamisco. [*ante*, p. 589, chap. 45]

Read &

*Voted* that the Order on this Petition be revived, & that the Trustees above mentioned make their Report thereon on the first Tuesday of the next May Session. [*Passed December 22.*]

<sup>1</sup> *Sic.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 80.  
Mass.  
Archives, xxxi., 235.

Mass.  
Archives, xxxi., 234.  
Legislative  
Records of the  
Council, xvii. (2), 190.  
House Journal, p. 186.  
*Ante*, p. 589,  
chap. 45.  
*Supra*, chap.  
126.

## CHAPTER 129.

ORDER ASSESSING A TAX OF ONE HALF PENNY PER ACRE FOR THREE YEARS ON UNIMPROVED LANDS IN BIDDEFORD FOR THE SUPPORT OF A MINISTER.

Legislative  
Records of the  
Council,  
xvii. (2), 191;  
*ibid.*, xvii.,  
Mis., 191.

House Jour-  
nal, pp. 177, 185,  
186.

A PETITION of M<sup>r</sup> Samuel Willard Minister of the Town of Biddeford; Shewing that the Garrison of Fort Mary during the standing of that Fort as also divers of the Garrison at the Truck House at Saco River, attended his Ministry, that he has divers times preached Lectures to the Soldiers and visited the Sick; and therefore Praying that this Court would please to make him some Allowance for those services.

Read and in Answer to this Petition,

*Ordered*, that all the unimproved Lands in the Town of Biddeford be and hereby are Subjected to a tax of one half penny ~~per~~ Acre for three years next Coming to be applied for the better support of M<sup>r</sup> Willard, exclusive of his Salary and that no difficulty or dispute may arise about the unimproved lands,

*Ordered* that all the Lands lying in said Town not within a lawfull fence be subjected to said Tax. [*Passed December 22.*]

## CHAPTER 130.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR OF THE ELBOWS.

Legislative  
Records of the  
Council,  
xvii. (2), 192.  
Mass,  
Archives, xii.,  
70.

Mass,  
Archives, xii.,  
71–91. Legislative  
Records  
of the Council,  
xvii., Mis., 150;  
*ibid.*, xvii. (2),  
183. House  
Journal,  
pp. 116, 182, 189.  
*Ante*, p. 607,  
chap. 93.

THE COMMITTEE to whom was committed the Petition of Steward Southgate and others prefer'd to this Court in September last, as also an other from him & others to this Court, and in answer to the first Petition from the major part of the Proprietors and People inhabiting a place or Plantation called the Elbows, with a Petition now presented to this Court by a Committee appointed and empowered from the said Proprietors, having met and heard the Parties fully touching the said Petition first mentioned and the complaints therein, against the Rev<sup>d</sup> M<sup>r</sup> Harvey their Minister and the Council of Ministers held in the said place last June; which Council of Ministers being assembled at the desire of Southgate and others the present Complainers, and who considered and acted on the said complaints, as by their Result appears in the present ease; Are therefore of Opinion that the Complaints in the first Petition of Southgate and others are groundless: and therefore the Petition ought to be dismiss'd. And in answer to the two other petitions, the Committee are of opinion that three Persons disinterested be empowered & authorized by this Court as a Committee to assess and levy the sum of Five hundred Pounds on the Proprietors or Grantees of the said Plantation, whose names are inserted in the Original Grant made them in a Report of a Committee to this Court in June 1733, and in the proportion and according to the rule in the said Report mentioned; and where any of the said Original Grantees have disposed of their Grants, the present Proprietors or Occupants to be assessed their proportionable parts as aforesaid, of the Five hundred Pounds aforesaid, and to make out a Warrant in due course of Law for the collecting the said sum and such additional sums for the defraying the charge of assessing and collecting the said sum of Five hundred Pounds, and commit the said Assessment and Warrant to such Collector or Collectors herein after proposed to be chosen therein, directing him to pay in so much of his Collections as to make up the said sum of Five hun-

dred Pounds, to the Province Treasurer, and finish his or their Accounts by or before the last Wednesday in May, which will be in the year of our Lord Seventeen Hundred and Forty One: And that the said Committee return the names of the Collector or Collectors, together with the sum Total committed to him or them, to the Province Treasurer, as soon as may be, after such Assessment is made and perfected by them.

And whereas several of the Non Resident Grantees have done very little on their Grants, in case they refuse or neglect to pay the sums assessed on their Rights towards the payment of the said Five Hundred Pounds or the additional sums to defray the charges aforesaid; in such case this Committee report that the Assessors proposed herein to be chosen by the Proprietors or Grantees, on return of such neglect to them by the Collector, to proceed forthwith according to law in the disposal and sale of such Grants, or so much thereof as shall raise the sums assessed on them, at least six months before the said last Wednesday in May Seventeen Hundred and Forty One; who shall return the said sums to the Collector, and by him to the Province Treasurer according to his warrant: And if any overplus remain after such sale and charges, the same to be returned to the Owner or Proprietor of such Land: And this Committee report that the Proprietors that are not settled on their Rights according to the first Grant, be not allowed by themselves or Attorneys to vote in choice of Assessors Collectors, Proprietors, Clerks, or other Officers, in any of their Meetings, until the said sum of Five hundred Pounds and the other additional charges be paid, as above; And that the Resident Proprietors be notified by the present Clerk according to custom to assemble at their Meeting house on Tuesday the fifth day of February next, by Ten of the Clock in the Fore Noon, then & there to chuse three or five Proprietors on the spot, to be Assessors of such rates or Taxes that may be agreed on by the said Proprietors for the payment of any past Deficiencies in the Ministers Support or other necessary charges, and to be assessed according to the rule prescribed in 1733 in the Report abovesaid, and shall commit the same to the Collectors to be chosen at the same Meeting; which Assessors or Collectors to be sworn according to Law, and that the said Assessors may and shall call to account the present Treasurer or clerk there for all sums by him received and paid, or ordered into his hands; and further that the two sets of Officers chosen for this year, be declared null and void, as if they had not been chosen.

In Council Read &

*Ordered* that this Report be accepted; And that the Inhabitants of the Place called the Elbows strictly conform thereunto:

In the House of Rep<sup>s</sup>es Read and concur'd and

*Ordered* that Col Joseph Dwight Major Pomroy and Col Pyncheon be and they hereby are Impowered to Levy and assess the five hundred pounds and additional Charges mentioned in said Report &c.

In Council

Read & Concur'd. [*Passed December 26.*<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is December 22.



## CHAPTER 131.

VOTE CALLING FOR THE ACCOUNTS OF THE COMMISS<sup>RS</sup> OF THE £100,000 LOAN.

Legislative  
Records of the  
Council, xvii.,  
Mis., 143.  
Mass.  
Archives, ci.,  
675.

Legislative  
Records of the  
Council,  
xvii. (2), 195.  
House Jour-  
nal, p. 190.  
Province  
Laws, ii., 944,  
chap. 9.

WHEREAS there is some part of the Hundred Thousand Pounds Loan which should have been paid into the Publick Treasury some time agoe, and by an Act of the Province made last Year the Trustees or Commissioners for each County were directed to settle their Respective Accounts of said Loans, and pay the Ballance remaining in their Hands, unto the Treasurer of the Province and deliver up the Mortgages of such Lands as remain unsold, under penalty of paying the whole of such Ballance or the Value of such Mortgaged Lands as aforesaid and the Province Treasurer was by said Law directed to prosecute such of the aforesaid Commissioners as should not comply with said Act. Therefore

*Voted* that the Secretary be and hereby is directed to lodge in the Province Treasury the Accounts of the Commissioners of the Several Countys that so the Treasurer may know what is due from them respectively, and be better Enabled to Prosecute such as are delinquent Accordingly. [*Passed December 26.*]

## CHAPTER 132.

## ORDER ASSESSING THE LANDS IN THE TOWN OF OXFORD, ONE FARTHING PER ACRE PER ANNUM FOR THE NEXT FIVE YEARS.

Legislative  
Records of the  
Council,  
xvii. (2), 164,  
197. Mass.  
Archives,  
cxiv., 455.

Mass.  
Archives,  
cxiv., 454.  
Legislative  
Records of the  
Council,  
xvii. (2), 197;  
*ibid.*, xvii.,  
Mis., 148.  
House Jour-  
nal, pp. 155, 156,  
191. *Ante*,  
p. 44, chap. 94.

A PETITION of Ebenezer Learned in behalf of the Inhabitants of the Town of Oxford; Shewing that this Court have been pleased to allow the Inhabitants there to tax the unimproved lands in said Town, but the last Order for the said Tax being expired, and they being unable to support the Ministry there without this Tax; therefore Praying that they may be empowered to tax the unimproved lands lying in said Town at an half peny an Acre per annum for the space of five years next coming for the use aforesaid.

Read and it appearing that the Non Resident Proprietors of the Town of Oxford have been Served with a Copy of the Petition but no Answer given in

*Ordered* That the Prayer of the Petition be so far granted as that all the unimproved Lands in the Said Town be Subjected to a Tax of one Farthing per Acre per Annum for the Space of Five Years next coming; And that no Difficulty may arise respecting the Said unimproved Lands it is

*Ordered* that all the Lands there not within a lawful Fence be liable to the Said Tax. [*Passed December 26.*]

## CHAPTER 133.

## ORDER APPOINTING A COMMITTEE ON THE CONNECTICUT BOUNDARY LINE.

## In Council

Whereas it is represented to this Court That the Boundary Line between this Province and the Colony of Connecticut, at or near the

Legislative  
Records of the  
Council, xvii.,  
Mis., 149.  
Mass.



Town of Woodstock, varies from the Representation thereof in a Plan return'd to this Court under the hands and Seals of the respective Governours and the Commissioners appointed by each Government and by both Governments accepted and confirmed, the rectifying of which Mistake may be a means of perpetuating that Harmony and good Agreement that is now Subsisting between us

THEREFORE

*Ordered* That Will<sup>m</sup> Dudley and Sam<sup>l</sup> Danforth Esq<sup>rs</sup>, w<sup>th</sup> Such as Shall be join'd by y<sup>e</sup> honble House; be and hereby are a Committee fully authorised and appointed, for and on behalf of this Government, to meet a Committee of the Colony of Connecticut, at Such time and place as the Committees, or a major part of them, Shall agree upon, in order to rectifie and Settle the Mistake or Difference aforesaid: And the Agreement of the Committees or the major part of each of them to be conclusive and binding to this Government: notwithstanding either of the perambulations in Seventeen hundred and thirteen or Seventeen hundred and thirty four PROVIDED the General Assembly of the Colony of Connecticut past<sup>1</sup> an Order in Substance like this; for which purpose the Secretary is directed to transmit, as Soon as may be, a Copy of this order to that Government

In the House of Rep<sup>res</sup>

Read and concur'd and John Chandler Esq<sup>r</sup> Samuel Watts Esq<sup>r</sup> and M<sup>r</sup> Roland Cotton are Joyned in the affair. [*Passed December 27.*]

Archives, iv., 20.  
Legislative Records of the Council, xvii. (2), 198.  
House Journal, p. 193.  
*Ante*, p. 615, chap. 109.

## CHAPTER 134.

ORDER ERECTING THE INHABITANTS OF LANDS IN DUNSTABLE AND GROTON INTO A SEPARATE PRECINCT AND IMPOWERING THEM TO ASSESS AND LEVY A TAX OF TWO PENCE PER ACRE FOR FIVE YEARS.

[ON] THE PETITION of the Inhabitants and Proprietors of Land in *Dunstable and Groton*, with a Report of a Committee of both Houses. [*ante*, p. 600, chap. 75]

Read and

*Ordered* that this Report be So far Accepted as that the Lands mentioned and described therein, with the Inhabitants there be erected into a Separate & distinct precinct, and the Said Inhabitants are hereby vested with all Such Powers & privileges that any other Precinct in this Province have or by Law ought to enjoy. and they are also empowered to assess & levy a Tax of Two pence per Acre per Annum for the Space of Five Years, on all the unimproved Lands belonging to the Nonresident Proprietors to be applied for the Support of the Ministry according to the Said Report. [*Passed December 28.*]

House Journal, p. 194.  
Mass. Archives, cxiv., 273.

Mass. Archives, cxiv., 272.  
Legislative Records of the Council, xvii., Mis., 135.  
*Ante*, p. 600, chap. 75.

## CHAPTER 135.

ORDER ASSESSING A TAX OF TWO PENCE PER ACRE ON LAND IN FALMOUTH.

ON THE PETITION of Phineas Jones of Falmouth. on behalf, and by Order of the said Town; [*ante*, p. 606, chap. 90]

Read and in answer thereto

*Ordered* that the Unimproved Lands in Said Town be Subjected to

Legislative Records of the Council, xvii., Mis., 150.  
Mass. Archives, cxiv., 443.

Mass. Archives, cxiv., 442.  
Legislative Records of the Council, xvii. (2), 201.

<sup>1</sup> The House Journal, p. 193, reads, "pass."

House Journal, pp. 186, 187.  
*Ante*, p. 606,  
 chap. 90.

a Tax of two pence *p* Acre *p* Annum for three Years next Ensuing, and that no Difficulty may arise about the said Unimproved Lands

*Ordered* that all lands not within Lawful Fence be Subjected to said Tax. [*Passed December 28.*]

## CHAPTER 136.

### ORDER ACCEPTING THE TREAS<sup>RS</sup> ACC<sup>T</sup> OF INDIAN TRADE.

AN ACCOMPT presented by William Foye Esq<sup>r</sup> of the state of the Indian Trade in June 1738, ballance whereof in favour of the Province is the sum of £17,973. 0. 9.

Read &

*Ordered* That this Accompt be accepted; and that the ballance thereof being Seventeen thousand Nine hundred seventy three pounds, and Nine pence M<sup>r</sup> Treasurer Foye who is the present officer for managing the Truck Trade is further to Account for. [*Passed December 29.*]

## CHAPTER 137.

### ORDER ACCEPTING THE TREAS<sup>RS</sup> 2<sup>D</sup> ACC<sup>T</sup> OF INDIAN TRADE.

AN ACCOMPT presented by William Foye Esq<sup>r</sup> of the State of the Indian Trade in June 1739; ballance whereof in favour of the Province is the sum of £12,047. 6. 11.<sup>1</sup>

Read and

*Ordered* that this Accompt be accepted and allowed; the Ballance whereof being Twelve Thousand and Forty Seven Pounds, sixteen shillings and eleven pence.<sup>1</sup> M<sup>r</sup> Treasurer Foye is further to accompt for. [*Passed December 29.*]

## CHAPTER 138.

### VOTE ALLOWING THE PROV<sup>NC</sup> TREAS<sup>RS</sup> GENERAL ACC<sup>T</sup>.

Legislative  
 Records of the  
 Council, xvii.  
 (2), 204.

House Journal, pp. 75, 76  
 (June, 1739).

THE AFOREGOING ACCOMPT of William Foye Esq<sup>r</sup> Treasurer and Receiver General of His Majestys Revenues within His Majestys Province of the Massachusetts Bay in New England, having been laid before the House of Represent<sup>ves</sup> and inspected and examined by them, beginning May 31. 1738 and ending May 30. 1739 whereby it appears that the same is right cast and well vouched; And the Accomptant hath charged himself with what is outstanding of several Assessments, Loans, Interest Money &c due from the several towns, amounting to Eighty eight Thousand four hundred and twenty eight pounds, twelve shillings and ten pence Old Tenour, also with a Tax laid on the several towns Anno 1738, amounting to Fourteen Thousand and Seventy Four Pounds sixteen shillings and Ten pence New Tenour; also with the sum of Five Thousand seven hundred and four pounds ten shillings Old Tenour, received for Exeise; also with the sum of Six Thousand and Ten Pounds, nineteen shillings and ten pence Old Tenour received towards Principal

<sup>1</sup> *Sic.*

and Interest of the One Hundred Thousand Pounds Loan ; also with the sum of Seven Pounds eleven shillings Old Tenour received of His Majestys Justices of the Peace for Fines throughout the Province ; further with the sum of Three Hundred and Fifty One Pounds thirteen shill<sup>gs</sup> and one peny Old Tenour for Impost and One Hundred eighty three pounds seven shillings and nine pence Old Tenour for Excise on Coaches, Chaises &c ; also with the sum of One Thousand and Nine Pounds thirteen shillings and five pence Old Tenour, received of the late Treasurer Jeremiah Allen Esq<sup>r</sup> the Ballance of his Accompt with the Province ; and with Three Hundred and forty one Pounds six shillings and eight pence New Tenour received of the Committee for signing Bills ; and with Two Hundred and fourteen Pounds eighteen shillings and two pence Old Tenour received back of the Committee for repairing Castle William, and sundry persons for Lands sold ; and furthermore the Accomptant chargeth himself with the sum of Twenty Nine Thousand four hundred eighty three pounds nineteen shillings and eight pence New Tenour and Thirteen Thousand eight Hundred and Ninety nine pounds and one shilling Old Tenour, the ballance of his last Accompt pass'd on and allowed by the General Court at their Session in May 1738 ; the Whole Amount of the New Tenour, being Forty Three Thousand, nine hundred Pounds, two shillings and ten pence ; and the whole amount of the Old Tenour being One Hundred twenty one Thousand eight hundred and ten pounds seven shillings and two pence :

And the said Accomptant dischargeth himself by sundry payments, amounting to the sum of Twelve Thousand six hundred and four pounds three shillings and six pence New Tenour and also the sum of Thirty seven Thousand one hundred and twenty four pounds seventeen shillings and six pence Old Tenour being defaced Bills burnt to ashes by Order of this Court

*Voted* that the Accomptant William Foye Esq<sup>r</sup> be and is accordingly hereby discharged of the said Articles of Twelve Thousand six hundred and four pounds three shillings & six pence New Tenor, and Thirty Seven Thousand one hundred twenty four Pounds seventeen shillings and six pence Old Tenour ; and that he be still further accomptable for the sum of Fifty four thousand nine hundred thirty six pounds twelve shillings and five pence Old Tenour, and for Thirteen Thousand six hundred and three Pounds nine shillings and one peny New Tenour, outstanding for Taxes Loan, Interest Money &c and also for the sum of Twenty Nine Thousand seven hundred forty eight Pounds seventeen shill<sup>gs</sup> and three pence Old Tenour, and for Seventeen Thousand Six Hundred Ninety two Pounds nineteen shillings and three pence New Tenour remaining in his hands, received by Taxes, Impost, Excise, Loans &c to ballance the foregoing articles ; And furthermore to accompt for Thirteen Hundred forty nine pounds thirteen shillings and three pence received by him of Daniel Russel Esq<sup>r</sup> in Gold and Silver for Impost according to Law. [*Passed December 29.*]

## CHAPTER 139.

### ORDER ALLOWING £42. 10. 3 TO ROB<sup>t</sup> BALL.

A PETITION of Robert Ball Keeper of the Light House at the entrance of Boston Harbour : praying that this Court grant him his Salary for the last year ending the 8<sup>th</sup> day of Novem<sup>r</sup> last and for Fire Wood for the said time.

Read and

Legislative  
Records of the  
Council,  
xvii. (2), 207.

House Jour-  
nal, pp. 176, 184.

*Ordered* that the sum of Forty Two pounds ten shillings and three pence New Tenor Bills be granted and allowed to be paid out of the publick Treasury to the petitioner Robert Ball, in full for his services as Light House Keeper the last year ending the eighth day of November last, and to reimburse him the charge of Fire Wood, for the greater benefit & advantage of the Lights. [*Passed December 29.*]

## CHAPTER 140.

### ORDER IMPOWERING THE TREASURER TO DISCOUNT CERTIFICATES OF BOUNTY ON HEMP.

Legislative  
Records of the  
Council,  
xvii. (2), 209.  
Mass.  
Archives, ci.,  
665.

Mass.  
Archives, ci.,  
664. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 151.  
House Jour-  
nal, pp. 165, 166,  
193. *Ante*,  
p. 559, chap.  
201; p. 583,  
chap. 31.

A PETITION of John Byxby late Constable of the Town of Boxford; Shewing that in collecting the Rates of the said Town he received of the Inhabitants certificates of Flax and Hemp by them raised, which entitled them to the Bounty allowed by law, amounting in all to the sum of £17. 4. 10 but thrō his ignorance of the Law he did not offer them at the Treasury till the time was expired; Praying that the Treasurer may be directed to discount with him the said sum, or so much thereof as shall be well vouched.

Read And

*Ordered* that the Prayer of the Petition be granted and the Treasurer is hereby allowed And Impowered to discount the notes of Hemp and Flax mentioned in the Petition upon their being duly certified According to Law. [*Passed December 31.*]

## CHAPTER 141.

### ORDER GRANTING A TAX OF ONE PENNY PER ACRE FOR TWO YEARS ON LAND IN TOWNSHEND.

Legislative  
Records of the  
Council, xvii.,  
Mis., 150.  
Mass.  
Archives,  
cxiv., 446.

Mass.  
Archives,  
cxiv., 445.  
Legislative  
Records of the  
Council,  
xvii. (2), 209.  
House Jour-  
nal, pp. 152, 185.  
*Ante*, p. 604,  
chap. 85.

ON THE PETITION of Samuel Manning of Townshend in behalf of the Inhabitants thereof. [*ante*, p. 604, chap. 85]

Read and

*Ordered* that there be and hereby is granted a Tax of one penny p Acre p Annum upon the Unimproved Lands in the Said Town of Townshend for the Space of two Years next Ensuing One half thereof to be applied to the Support of the Minister there Exclusive of his Salary, the other half to and for the Use of the Town. [*Passed December 31.*]

## CHAPTER 142.

### ORDER CONFIRMING A PLAT OF 150 ACRES OF LAND TO THO. WHITE.

Legislative  
Records of the  
Council,  
xvii. (2), 200.  
Mass.  
Archives,  
xvii., 163.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 154.

A PLAT of One Hundred and fifty Acres of Land laid out by Samuel Willard Jun<sup>r</sup> Survey<sup>r</sup> and Chain men on oath, to fulfill a grant made by this Court to Thomas White of Marshfield, lying West of Lancaster additional Grant and South of Lunenburg; Beginning at a Heap of Stones, thence running South 2 Deg. West one hundred and thirty nine rods to a Heap of Stones; thence West 8 Deg. South three hundred and twenty four rods to a heap of Stones; thence North 14 Deg.



East seventy five rods to a Heap of Stones; thence East 15. Deg. South, one hundred and seventy rods to a Heap of Stones; thence North 15 Deg. East, one hundred and eighty six rods to a Heap of Stones; thence East 13 Deg. South to the first mentioned Corner, bounding Northerly upon Lunenburgh line, Westerly and Northerly on Land of Zechariah Fitch, and every other way upon common land.

Read and

*Ordered* that the Plat be accepted and the lands herein delineated and described be and hereby are confirmed unto the said Thomas White his Heirs and Assigns for Ever Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed January 1.*<sup>1</sup>

House Journal, pp. 195, 196. *Ante*, p. 539, chap. 147.

## CHAPTER 143.

ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND TO THE HEIRS OF EDM<sup>d</sup> QUINCY ESQ<sup>r</sup> DEC<sup>d</sup>.

A PLAT of One Thousand Acres of land laid out by Timothy Dwight Esq<sup>r</sup> Survey<sup>r</sup> and Chain men on oath, to fulfill a grant made by this Court to the heirs of Edmund Quincy Esq<sup>r</sup> dec<sup>d</sup> being situate in the Western part of the County of Hampshire, lying on the West side of Housatanuck River between Stockbridge & the Township laid out to Jacob Wendell Esq<sup>r</sup> and others; Beginning at a Black Oak Tree a large one, standing near to Poontoosuck Road, and running from thence East 30 Deg. South three hundred and twenty perch to a Maple marked Q West and North, and thence as described particularly in the Plat.

Read and

*Ordered* that the within plat be accepted and the Lands therein delineated and described be and hereby are confirmed to the Heirs of Edmund Quincy Esq<sup>r</sup> Dec<sup>d</sup> their Heirs and Assigns for Ever. Provided the Plat exceeds not the Quantity of the Grant, and does not interfere with any former Grant. [*Passed January 1.*

Legislative Records of the Council, xvii. (2), 211. Maps and Plans, Mis., xii., 17.

Maps and Plans, Mis., xii., 17. House Journal, p. 173. *Ante*, p. 543, chap. 156.

## CHAPTER 144.

ORDER CONFIRMING A PLAT OF 100 ACRES OF LAND TO ELKANAH LEONARD ESQ<sup>r</sup>.

A PLAT of One Hundred Acres of Land laid out by Isaac Learned, Survey<sup>r</sup> and Chain men on Oath, to fulfill a grant made by this Court to Elkanah Leonard Esq<sup>r</sup> lying East of a Farm belonging to Oxford, North West of Roxbury School Farm, North East of a Pond called Chabunagungamug Pond, bounding East and North West with a line of marked Trees on the Province Land.

Read &

*Ordered* that this Plat be accepted and the Land herein delineated and described be and hereby is confirmed to Elkanah Leonard Esq<sup>r</sup> His Heirs and Assigns for Ever. Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed January 1.*

Legislative Records of the Council, xvii. (2), 212. Mass. Archives, xlv., 104.

Legislative Records of the Council, xvii., Mis., 153. House Journal, p. 197. *Ante*, p. 335, chap. 167.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is December 28.



## CHAPTER 145.

ORDER ON THE PETITION OF THE WEST INHABITANTS OF SUFFIELD TO BE ERECTED INTO A SEPARATE PRECINCT AND REFERRING WITH NOTICE THE MATTER OF TAXATION.

Legislative  
Records of the  
Council,  
xvii. (2), 213.

House Jour-  
nal, pp. 196, 197.  
*Ante*, p. 604,  
chap. 84.

A PETITION of the Inhabitants of the West Part of the Town of Suffield; Shewing that whereas this Court were pleased upon their former Petition to be sett of a distinct Precinct, to recommend it to the Petitioners and the other part of the Town, to agree in the matter among themselves; that they have accordingly submitted the matter to indifferent persons, who have reported their opinion that the Petitioners should be set off by certain Bounds in their report mentioned, as a separate Precinct; praying that this Court would set them off accordingly. And whereas there has been a Tax raised for building a Meeting House in the East part of the said Town and a sum of money besides now lying in the Town Treasury reserved for the same use; therefore Praying that they may have a proportionable part of the said money, as also of what may be raised for maintaining a school for the support of one within their Precinct

Read and

*Ordered* that the Prayer of the Petition be so far granted as that the Westerly part of the said Town of Suffield be and hereby is set off a separate and distinct Precinct, by the Bounds and Limits hereafter described; viz<sup>t</sup> Beginning at the South Westerly Corner of Thomas Sheldens Home Lot, about three quarters of a mile Westerly of the Meeting House, and from the said Corner of the said Home Lot the line to run Southerly by a strait course to the Westerly side of the now Dwellinghouse of Thomas Spencer, standing near the Highway leading from the Town to Tainters Hill, so called, and from the said Westerly side of the said Spencers house the same course to the Colony Line, and from the said Corner of said Sheldons lot, to run sometimes North-erly and sometimes Westerly in the High way leading from thence as the High way runs to James Barlows, Joseph Kents and Noah Kents, and Joseph Hastings, and so on in the said High way till it meets the High way leading from Joseph Pomroys to the Northerly end of the Town, and from the meetings of the said ways North, a line run by the Needle of the Instrument to Springfield Bounds; and all the Lands from said Bounds or lines from Easterly to Westerly and from North-erly to Southerly belonging to said Town be the extent of said Precinct, Saving that all the persons hereafter named, together with all their lands and estate lying and being within the Bounds before mentioned, be and remain to the other part of the said Town, and not to be subjected to any Taxes within the said Precinct, namely, Joseph Remington, Benaiah Austin, William Hamblin, John Hale, Daniel Spencer, Thomas Spencer, John Old, John Granger, James Barlow, Joseph Kent, Thomas King, Noah Kent, Joseph Hastings, Dudley Remington, Benjamin Allen Jun<sup>r</sup> Samuel Spencer, as also Uriah Austin, Caleb Austin, and Joshua Austin, their right and interest in the Homestead lately Anthony Austins dec<sup>d</sup> and no more: and so to remain until they or any of them shall desire to be admitted by the said Westerly Precinct, and shall be so admitted by said Precinct and no longer, unless this Court shall otherwise order. And also that Forty nine Pounds, five shillings and six pence, part of the Cost expended by the said Westerly part in petitioning this Court to be paid by the Town of Suffield, agreeable to their Votes of the fifth of November last.

In answer to that part of the Petition relating to the remittance of the Tax for a Meeting House and School &c

*Voted* that the Petitioners serve the Town of Sufield with a copy of the petition, that they shew cause if any they have on the first Thursday of the next May Session, why the prayer thereof should not be granted; and that part of the Petition is referred in the mean time for consideration accordingly. [*Passed January 1.*]

## CHAPTER 146.

ORDER CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO THE COMPANIES UNDER CAPTAINS MARCH, GREENLEAF, AND NELSON.

A PLAT of a Township laid out by Richard Hazzen Survey<sup>r</sup> and Chain men upon Oath, to satisfy a grant made by this Court to the Officers and Soldiers in the Canada Expedition, under the command of Cpt John March, Cpt. Stephen Greenleaf, & Cpt. Philip Nelson; lying on the Northerly side of Contookook Township and adjoining to the same, being bounded as follows viz<sup>t</sup> At the South East Corner with a great White Oak and two white Pines marked, which is the North East Corner of said Contookook Township by Merrimack River; thence running up said River till it comes against the River that comes out of Winnepesaket Pond, and further up by the side of the Westerly branch commonly called Penitchawasset, in the whole about six miles and an half to a large Pitch Pine marked; thence turning West, about 15 Deg. South, and running nine miles to a large Hemlock marked; thence turning at right Angles and running about four miles and three quarters to a Stake and Stones by Contookook Township, exactly one hundred and fifty poles from the North West Corner bounds of it, and thence to the first bounds; which Line measures about seven miles.<sup>1</sup>

Read and

*Ordered* that the Plat be accepted and the lands therein delineated and described be and hereby are confirmed to the Said Officers and Soldiers under the Command of Cap<sup>t</sup> John March Cap<sup>t</sup> Stephen Greenleaf and Cap<sup>t</sup> Philip Nelson to their Heirs and Assigns forever. Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed January 1.*]

## CHAPTER 147.

ORDER OF NOTICE ON THE PETITION OF THE SELECT MEN OF LITTLE COMPTON, WITH STAY OF EXECUTION.

A PETITION of Thomas Church and others Select men of the Town of Little Compton; Setting forth the great Difficulties and expences that the said Town has been put to by the Contentions in the law and otherwise, carried on by John Palmer and others referring to the ways in the said Town, and Praying that an Order or Sentence of the Court of General Sessions of the Peace for the County of Bristol, pass'd in May last on the said Palmers suit (which the Petitioners apprehend to

Legislative  
Records of the  
Council,  
xvii. (2), 215.  
Maps and  
Plans, Mis.,  
xxxiv., 13.

Maps and  
Plans, Mis.,  
xxxiv., 13.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 155.  
House Jour-  
nal, pp. 173, 174.  
*Ante*, p. 348,  
chap. 203.

Legislative  
Records of the  
Council,  
xvii. (2), 216.  
Mass.  
Archives,  
cxxi., 188.

Mass.  
Archives,  
cxxi., 186.

<sup>1</sup> "Within the boundaries described in this Plan is the contents of Six Miles Square, with the allowance of about five hundred & seventy One Acres for ponds &c." — Legislative Records of the Council, xvii., Mis., 156.

House Journal, p. 201.

be irregular and contrary to law) may be set aside, or that they may be allowed an Appeal from it to the Superior Court, and that Execution may be staid in the mean time.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the adverse Parties the Said John Palmer and others concerned in the Affair with a Copy of this Petition that they shew cause (if any they have) on the first Fryday of the next Sitting of this Court why the prayer thereof Should not be granted and the Execution within mentioned is hereby Stayed in the mean time. [*Passed January 1.*]

## CHAPTER 148.

ORDER IMPOWERING SETH PARKER ESQ<sup>r</sup> TO ENTER AN ACTION DE NOVO.

Legislative Records of the Council, xvii., Mis., 152.  
Mass. Archives, xli., 409.

ON THE PETITION of Seth Parker of Falmouth in the County of Barnstable. [*ante*, p. 607, chap. 92]

Read and

Mass. Archives, xli., 408–418. Legislative Records of the Council, xvii. (2), 211. House Journal, p. 201. *Ante*, p. 607, chap. 92.

*Ordered* that the Prayer of the Pet<sup>a</sup> be so far granted as that the Pet<sup>r</sup> be and he hereby is allowed and Impowered to prosecute the said Action de Novo at the next Inferiour Court of Common Pleas to be holden at Barnstable for the County of Barnstable on the third Tuesday of March Next And the Justices of the said Court are hereby Impowered and directed to hear and try the Said Action Enter up Judgment and award Execution thereupon. the rule of Court Entred into notwithstanding, The Costs already arisen on Said Action to remain as they have been already ordered. [*Passed January 2.*<sup>1</sup>]

## CHAPTER 149.

ORDER IMPOWERING MOSES KING TO ENTER AN ACTION DE NOVO.

Legislative Records of the Council, xvii., Mis., 157.  
Mass. Archives, xli., 479.

ON THE PETITION of Moses King of Sheffield in the County of Hampshire, Yeoman. [*ante*, p. 612, chap. 103]

Read together with the Answer of William Pyncheon Esq<sup>r</sup> Attorney to the Said Philip Livingston Esq<sup>r</sup> and the matter being fully considered ;

Mass. Archives, xli., 477. Legislative Records of the Council, xvii. (2), 227. House Journal, p. 204. *Ante*, p. 612, chap. 103.

*Ordered* that the Prayer of y<sup>e</sup> Petition be so far granted as that the Petitioner be allowed & impowered to enter the Action within mentioned De Novo at the next Infer<sup>r</sup> Court of Common Pleas, to be held at Northampton for the County of Hampshire on the first Tuesday of March next, and the Justices of the Said Court are hereby impowered & directed to hear & try the Said Action by a Jury enter up Judgment & award Execution accordingly, the Default within mentioned and Judgments pass'd thereon notwithstanding provided the Petitioner pay the Costs already arisen on Said Action. And Serve the Said Philip Livingston or his Attorney with a Copy of this Order fourteen Days at least before the Sitting of the S<sup>d</sup> Court. [*Passed January 2.*<sup>2</sup>]

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is January 1.

<sup>2</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is January 7.

## CHAPTER 150.

ORDER IMPOWERING SAM<sup>LL</sup> THOMAS, INDIAN, TO SELL LAND.

A PETITION of Samuel Thomas of Middleborô Indian Planter; Praying for liberty to sell about fourteen Acres of land in said Place (which is worn out by long improvement) for his support and comfort in his old age, he having a sufficiency of land in Tetticut, which will be more profitable for him to live upon than the land aforesaid.

In the House of Rep<sup>res</sup>

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be So far granted and the Pet<sup>r</sup> is hereby allowed and Impowered to make sale of the Land mentioned in the Petition for the most the same will fetch. In proceeding herein to Observe the directions in the Act of the Province of the 6<sup>th</sup> Year of the Reign of his late Majesty King George Cap: 3<sup>d</sup> relating to Real Estates. and Elkanah Leonard Esq<sup>r</sup> with such as shall be Joyned by the Hon<sup>ble</sup> Board are hereby desired and Impowered to be aiding and assisting the Pet<sup>r</sup> and see Justice done him in the Premises, the Produce thereof to be applyed according to the Prayer of the Petition They to render an Account of their proceedings herein, to this Court.

In Council

Read & Concur'd & John Cushing Esq<sup>r</sup> is joined in the Affair.  
[*Passed January 2.*]

Legislative  
Records of the  
Council, xvii.,  
(2), 220.  
Mass.  
Archives,  
xxxi., 245.

Mass.  
Archives,  
xxxi., 246.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 157.  
House Jour-  
nal, pp. 84, 192.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 151.

## VOTE APPOINTING A COMMITTEE FOR PURCHASING GUN POWDER.

In the House of Representatives

In as much as the Stock of Gun Powder belonging to this Province is at present insufficient, And it appearing to this House by the State of the Treasury that there remains as a surplusage in the Treasurers hands of the Sixteen thousand three hundred seventeen pounds fifteen Shillings and eight pence Appropriation made Anno 1735. the sum of two thousand two hundred Sixteen pounds, eighteen shillings and Eleven pence And also of the Eighteen thousand Pounds appropriation made Anno 1736, the sum of Five hundred, Eighteen pounds, Eleven Shillings and two pence, both which amount to Two thousand seven hundred Thirty five pounds ten shillings and one penny Therefore,

*Voted*, That M<sup>r</sup> Thomas Cushing M<sup>r</sup> Edward Bromfield M<sup>r</sup> James Allen and Cap<sup>t</sup> Nath Cunningham together with Such as shall be Joined by the Honourable Board be a Committee to Purchase a parcel of good Cannon and Pistoll Powder to the Value of Two Thousand Seven Hundred and Thirty five Pounds Ten Shillings and One penny, As soon as may be, at the best rate they can by purchasing the same from Great Britain or otherwise according to their best Judgment, for a further Stock for this Province.

In Council

Read & Concur'd & Ezekiel Lewis & Jacob Wendell Esq<sup>rs</sup> are joined in the Affair. [*Passed January 3.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 165.  
Mass.  
Archives,  
lxxii., 488.

Legislative  
Records of the  
Council,  
xvii. (2), 221.  
House Jour-  
nal, p. 203.



## CHAPTER 152.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO SIMON STONE.

Legislative  
Records of the  
Council, xvii.  
(2), 224.  
Mass.  
Archives, xli., 106.

Mass.  
Archives, xli., 105.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 158.  
House Jour-  
nal, p. 203.  
*Ante*, p. 516,  
chap. 97.

A PLAT of Two Hundred Acres of land laid out by Joseph Wilder Jun<sup>r</sup> Surveyor and Chain men on oath, to satisfy a grant made by this Court to Simon Stone, adjoining to Lancaster Additional Grant, North of Cpt. Plaisted's Farm and South of Flaggs Farm, and bounding on it: Beginning at a Stake and Heap of Stones the North East Corner and from thence running North 68 Deg. West on Mr Flags Farm two hundred rods to a chesnut Tree the North West Corner; thence South 28 Deg. West on unappropriated Lands, one hundred and seventy two rods to a Red Oak stand and heap of Stones the South West Corner; thence South 68 Deg. East on unappropriated Lands two hundred rods to a Stake and Heap of Stones the South East Corner; thence North 28 Deg. East on said Lancaster Grant one hundred and seventy two rods to the place first mentioned.

Read and

*Ordered* that this Plat be accepted, and the lands therein delineated and described be and hereby are confirmed to the Said Simon Stone His Heirs and Assigns. Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed January 4.*]

## CHAPTER 153.

ORDER REFERRING SHER. WOLCOTS PETITION WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvii.  
(2), 160.  
Mass.  
Archives, xli.,  
482.

Mass.  
Archives, xli.,  
480. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 158;  
*ibid.*, xvii. (2),  
201, 226.  
House Jour-  
nal, pp. 151, 152,  
195, 209.

A PETITION of John Wolcot Esq<sup>r</sup> Sheriff of the County of Essex. Shewing that in July 1738 Joseph Verry recovered Judgement against John Darling of Marblehead in said County for the sum of £13 and £5. 4 Cost, and on the 27<sup>th</sup> of said month took out execution and delivered it to John Stacey the Petitioners Deputy the 16<sup>th</sup> day of August, which Execution was returnable in September following; that the said Deputy Sheriff made diligent search for the said Darling but he was gone to Sea; that the said Verry brought his action of the case against the Petitioner, at the Inferior Court held at Newbury; that the Petitioner was not prepared to make his defence because the said Verrys Attorney promised that he would not enter the Action, and therefore Judgement went against the Petitioner, and altho he had ordered his Attorney to Appeal in such case, yet he altogether neglected it, and Execution is issued thereon; And therefore Praying that either Execution may be staid till the Petitioner reviews the said Action which he would do the last Tuesday in this Month, or that in case the money be paid on the said Execution, the said Verry or his Attorney give security to abide by the Judgement that may be given on the Review.

*Ordered* that the consideration of this Pet<sup>n</sup> be further referred<sup>1</sup> to the first thirsday of the next Sitting of this Court and the Execution within mentioned is hereby Stayed in the Mean time. [*Passed January 5.*]

<sup>1</sup> The petition came before the legislature on December 28, House Journal, p. 195, and was then referred.



## CHAPTER 154.

ORDER REFERRING THE PETITION OF JN<sup>o</sup> HIGGINSON ESQ<sup>R</sup>.ON THE PETITION of John Higginson Esq<sup>r</sup> [*ante*, p. 497, chap. 51]*Order<sup>d</sup>* that the Consideration of this Petition be further referr'd to the first Tuesday of the next May Session. [*Passed January 5.*]Legislative  
Records of the  
Council,  
xvii. (2), 226.  
Mass.  
Archives, vi.,  
516.Mass.  
Archives, vi.,  
514, 515. House  
Journal, p. 209.  
*Ante*, p. 575,  
chap. 14.

## CHAPTER 155.

VOTE THAT THE NEW TOWNS BE SUPPLIED WITH THE PROVINCE LAW BOOK.

*Ordered*, that M<sup>r</sup> Benjamin Eliot be and he hereby is directed & impowered to deliver a Province Law Book to all those new Towns which are not as yet possed<sup>1</sup> of One, at the Charge of the Province upon producing a Certificate of their incorporation under the hand of the Secretary or his Deputy. [*Passed January 7.*]<sup>2</sup>Legislative  
Records of the  
Council, xvii.,  
Mis., 159.Mass.  
Archives,  
lviii., 315.  
Legislative  
Records of the  
Council,  
xvii. (2), 227.  
House Jour-  
nal, pp. 205, 212.

## CHAPTER 156.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF BOLTON TO ASSESS A TAX OF £28. 6. 8.

WHEREAS an Act pass'd in the Eleventh Year of the Reign of His present Majesty King George the Second, for Supplying the Treasury with the Sum of Twelve Thousand five Hundred Pounds, for the drawing in whereof a Tax was then granted to be levied on the Polls and Estates of the Inhabitants of the respective Towns within this Province which were Accordingly Ordered to pay the Sums to them severally Affixed; in which said Act a Proviso was made that the General Court at their Session in May, One Thousand Seven Hundred and Thirty Nine, might by an Act then to be made Apportion the aforesaid Sum on the Several Towns, if they saw fit, And the Town of Lancaster, who were by the aforesaid Act for Supply Assess'd to pay, as their Proportion of the beforementioned Twelve Thousand Five Hundred Pounds the Sum of Ninety two Pounds, fourteen Shillings and two pence, have since that time had sundry of their Inhabitants with their Estates erected into a separate and distinct Township by the Name of Bolton, whose Proportion of said Ninety two Pounds fourteen Shillings and two pence Appears to be Twenty eight Pounds Six Shillings and eight pence But no Consideration has as yet been had thereof by this Court, And the Treasurer having sometime since sent out his Warrants to the Selectmen or Assessors of the said Town of Lancaster Requiring Them to Assess their Inhabitants the whole of the aforesaid Sum of Ninety two Pounds, fourteen Shillings and two pence. Therefore,

*Ordered*, That the Selectmen or Assessors of the said Town of Bolton be impowered and directed forthwith to Assess the said Sum of Twenty eight Pounds, Six Shillings and eight pence on their said TownLegislative  
Records of the  
Council, xvii.,  
Mis., 162.Mass.  
Archives,  
cxiv., 489.Legislative  
Records of the  
Council,  
xvii. (2), 228.  
House Jour-  
nal, pp. 173, 213.  
Province  
Laws, ii., 867.  
*Infra*, chap.  
157.<sup>1</sup> *Sic.*<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is January 5.

in such manner as is directed in the aforesaid Act. And the List of Assessment so made they are required to commit to the Collector Constable or Constables of the said Town who are hereby required and impowered to Collect the whole of each respective Sum Assessed on each particular Person and pay in the same to the Treasurer of the Town of Lancaster at or before the last Day of March next. [*Passed January 7.*]

## CHAPTER 157.

### ORDER IMPOWERING THE ASSESSORS OF PEMBROKE TO ASSESS A TAX OF £2. 8. 11.

Legislative  
Records of the  
Council, xvii.,  
Mis., 168.  
Mass.  
Archives,  
cxiv., 487.

Legislative  
Records of the  
Council,  
xvii. (2), 232.  
House Jour-  
nal, pp. 213, 214.  
Province  
Laws, ii., 867.  
*Supra*, chap.  
156. *Infra*,  
chap. 158.

WHEREAS an Act pass'd in the Eleventh Year of the Reign of His present Majesty King George the Second, for Supplying the Treasury with the Sum of Twelve Thousand five Hundred Pounds for the drawing in whereof a Tax was then granted to be levied on the Polls and Estates of the Inhabitants of the respective Towns within this Province, which were Accordingly Ordered to pay the Sums to them severally Affixed; in which said Act a Proviso was made that the General Court at their Session in May. One Thousand Seven Hundred and Thirty Nine, might by an Act then to be made Apportion the aforesaid Sum on the several Towns, if they saw fit, And the Town of Scituate who were by the aforesaid Act for Supply Assess'd to pay, as their Proportion of the beforementioned Twelve Thousand Five Hundred Pounds, the Sum of One hundred fifty four pound Nine Shillings and seven pence have since that time had sundry of their Inhabitants with their Estates set off to the Town of Pembroke whose Proportion of said One hundred fifty four pound Nine Shillings & seven pence Appears to be Two pounds Eight Shillings & Eleven pence But no Consideration has as yet been had thereof by this Court, And the Treasurer having some time since sent out his Warrants to the Selectmen or Assessors of the said Town of Scituate Requiring them to Assess their Inhabitants the whole of the aforesaid Sum of Two pound Eight Shillings & Eleven pence

Therefore,

*Ordered* That the Selectmen or Assessors of the said Town of Pembroke be impowered and directed forthwith to Assess the said Sum of Two pounds Eight Shillings & Eleven pence on their said Town, Agreeable to the Rules for Assessing the said Province Tax, And to pay in the same to the Treasurer of the Town of Scituate at or before the Last Day of March next. [*Passed January 8.*]

## CHAPTER 158.

### ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF WAREHAM TO ASSESS A TAX OF £13. 10. 9.

Legislative  
Records of the  
Council, xvii.,  
Mis., 164.  
Mass.  
Archives,  
cxiv., 495.

Legislative  
Records of the  
Council,

WHEREAS an Act pass'd in the Eleventh Year of the Reign of His present Majesty King George the Second, for Supplying the Treasury with the Sum of Twelve Thousand five Hundred Pounds for the drawing in whereof a Tax was then granted to be levied on the Polls and Estates of the Inhabitants of the respective Towns within this Province, which were Accordingly Ordered to pay the Sums to them severally Affixed; in which said Act a Proviso was made that the General

Court at their Session in May, One Thousand Seven Hundred and Thirty Nine, might by an Act then to be made Apportion the aforesaid Sum on the several Towns, if they saw fit, And the Town of Rochester who were by the aforesaid Act for Supply Assess'd to pay, as their Proportion of the beforementioned Twelve Thousand Five Hundred Pounds, the Sum of Eighty Seven pounds Eight Shillings & Eleven pence have since that time had sundry of their Inhabitants with their Estates set off to the Town of Wareham whose Proportion of said Eighty Seven pounds Eight Shillings & Eleven pence Appears to be thirteen pounds Ten Shillings & Nine pence But no Consideration has as yet been had thereof by this Court, And the Treasurer having some time since sent out his Warrants to the Selectmen or Assessors of the said Town of Rochester Requiring them to Assess their Inhabitants the whole of the aforesaid Sum of Eighty Seven pounds Eight Shillings & Eleven pence

Therefore

*Ordered* That the Selectmen or Assessors of the said Town of Wareham be impowered and directed forthwith to Assess the said Sum of thirteen pound Ten Shillings & Nine pence on their said Town Agreeable to the Rules for Assessing the said Province Tax, and to pay in the same to the Treasurer of the Town of Rochester at or before the Last Day of March next. [*Passed January 8.*]

xvii. (2), 233.  
House Journal, p. 214.  
Province  
Laws, ii., 867.  
*Supra*, chap.  
157. *Infra*,  
chap. 159.

## CHAPTER 159.

### ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF DEDHAM TO ASSESS A TAX OF £7. 7. 11.

WHEREAS an Act pass'd in the Eleventh Year of the Reign of His present Majesty King George the Second, for Supplying the Treasury with the Sum of Twelve Thousand five Hundred Pounds for the drawing in whereof a Tax was then granted to be levied on the Polls and Estates of the Inhabitants of the respective Towns within this Province, which were Accordingly Ordered to pay the Sums to them severally Affixed; in which said Act a Proviso was made that the General Court at their Session in May, One Thousand Seven Hundred and Thirty Nine, might by an Act then to be made Apportion the aforesaid Sum on the several Towns, if they saw fit, And the Town of Stoughton who were by the aforesaid Act for Supply Assess'd to pay, as their Proportion of the before mentioned Twelve Thousand Five Hundred Pounds, the Sum of Sixty Two pounds Two Shillings & Eight pence have since that time had sundry of their Inhabitants with their Estates set off to the Town of Dedham whose Proportion of said Sixty Two pounds Two Shillings And Eight pence Appears to be Seven pounds Seven Shillings & Eleven pence But no Consideration has as yet been had thereof by this Court, And the Treasurer having some time since sent out his Warrants to the Selectmen or Assessors of the said Town of Stoughton Requiring them to Assess their Inhabitants the whole of the aforesaid Sum of Sixty pounds two Shillings and eight pence

Therefore

*Ordered* That the Selectmen or Assessors of the said Town of Dedham be impowered and directed forthwith to Assess the said Sum of seven pounds Seven Shillings & Eleven pence on their said Town, Agreeable to the Rules for Assessing the said Province Tax, and to pay in the same to the Treasurer of the Town of Stoughton at or before the Last Day of March next. [*Passed January 8.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 166.  
Mass.  
Archives,  
cxlv., 497.

Legislative  
Records of the  
Council,  
xvii. (2), 234.  
House Journal,  
p. 214.  
Province  
Laws, ii., 867.  
*Supra*, chap.  
158. *Infra*,  
chap. 160.

## CHAPTER 160.

## ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF DEDHAM TO ASSESS A TAX OF £4. 2. 4.

Legislative  
Records of the  
Council, xvii.,  
Mis., 167.  
Mass.  
Archives,  
cxiv., 491.

Legislative  
Records of the  
Council,  
xvii. (2), 235.  
House Jour-  
nal, p. 214.  
Province  
Laws, ii., 867.  
*Supra*, chap.  
150. *Infra*,  
chap. 161.

WHEREAS an Act pass'd in the Eleventh Year of the Reign of His present Majesty King George the Second, for Supplying the Treasury with the Sum of Twelve Thousand Five Hundred Pounds for the drawing in whereof a Tax was then granted to be levied on the Polls and Estates of the Inhabitants of the respective Towns within this Province, which were Accordingly Ordered to pay the Sums to them severally Affixed; in which said Act a Proviso was made that the General Court at their Session in May, One Thousand Seven Hundred and Thirty Nine, might by an Act then to be made Apportion the aforesaid Sum on the several Towns, if they saw fit, And the Town of Dorchester who were by the aforesaid Act for Supply Assess'd to pay, as their Proportion of the beforementioned Twelve Thousand Five Hundred Pounds, the Sum of One hundred & seven pound five Shillings & Ten pence have since that time had sundry of their Inhabitants with their Estates set off to the Town of Dedham whose Proportion of said One hundred & Seven pound five Shillings & Ten [pence]<sup>1</sup> Appears to be four pound Two Shillings & four pence But no Consideration has as yet been had thereof by this Court, And the Treasurer having some time since sent out his Warrants to the Selectmen or Assessors of the said Town of Dorchester Requiring them to Assess their Inhabitants the whole of the aforesaid Sum of one hundred and Seven pounds five Shillings and ten pence

Therefore

*Ordered* That the Selectmen or Assessors of the said Town of Dedham be empowered and directed forthwith to Assess the Said Sum of four pound Two Shillings & four pence on their said Town, Agreeable to the Rules for Assessing the said Province Tax, and to pay in the same to the Treasurer of the Town of Dorchester at or before the Last Day of March next. [*Passed January 8.*]

## CHAPTER 161.

## ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF WAREHAM TO ASSESS A TAX OF £8. 4. 2.

Legislative  
Records of the  
Council, xvii.,  
Mis., 164.  
Mass.  
Archives,  
cxiv., 493.

Legislative  
Records of the  
Council,  
xvii. (2), 236.  
House Jour-  
nal, p. 214.  
Province  
Laws, ii., 867.  
*Supra*, chap.  
160. *Infra*,  
chap. 162.

WHEREAS an Act pass'd in the Eleventh Year of the Reign of His present Majesty King George the Second, for Supplying the Treasury with the Sum of Twelve Thousand five Hundred Pounds for the drawing in whereof a Tax was then granted to be levied on the Polls and Estates of the Inhabitants of the respective Towns within this Province, which were Accordingly Ordered to pay the Sums to them severally Affixed: in which said Act a Proviso was made that the General Court at their Session in May, One Thousand Seven Hundred and Thirty Nine, might by an Act then to be made Apportion the aforesaid Sum on the several Towns, if they saw fit, And the Town of Plymouth who were by the aforesaid Act for Supply Assess'd to pay, as their Proportion of the beforementioned Twelve Thousand Five Hundred Pounds, the Sum of One hundred & Twenty one pound Nine Shillings & Two pence have since that time had sundry of their

<sup>1</sup> Inserted from Legislative Records of the Council, xvii., Mis., 167.



Inhabitants, with their Estates set off to the Town of Wareham whose Proportion of said one hundred & Twenty one pound Nine Shillings & Two pence Appears to be Eight pound four Shillings & Two pence But no Consideration has as yet been had thereof by this Court, And the Treasurer having some time since sent out his Warrants to the Selectmen or Assessors of the said Town of Plymouth Requiring them to Assess their Inhabitants the whole of the aforesaid Sum of One hundred Twenty one pound Nine Shillings & Two pence

Therefore

*Ordered* That the Selectmen or Assessors of the said Town of Wareham be impowered and directed forthwith to Assess the said Sum of Eight pound four Shillings & Two pence on their said Town, Agreeable to the Rules for Assessing the said Province Tax, And to pay in the same to the Treasurer of the Town of Plymouth at or before the Last Day of March next. [*Passed January 8.*]

## CHAPTER 162.

### ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF CHELSEA TO ASSESS A TAX OF £36. 8. 1.

WHEREAS an Act pass'd in the Eleventh Year of the Reign of His present Majesty King George the Second, for Supplying the Treasury with the Sum of Twelve Thousand five Hundred Pounds for the drawing in whereof a Tax was then granted to be levied on the Polls and Estates of the Inhabitants of the respective Towns within this Province, which were Accordingly Ordered to pay the Sums to them severally affixed; in which said Act a Proviso was made that the General Court at their Session in may, One Thousand Seven Hundred and Thirty Nine, might by an Act then to be made Apportion the aforesaid Sum on the several Towns, if they saw fit, and the Town of Boston, who were by the Aforesaid Act for Supply Assess'd to pay, as their Proportion of the beforementioned Twelve Thousand Five Hundred Pounds, the Sum of Two Thousand Two hundred and fifty pound have since that time had sundry of their Inhabitants with their Estates erected into a separate and distinct Township by the Name of Chelsea, whose Proportion of said Twelve Thousand five hundred pounds appears to be Thirty Six pounds Eight Shillings & one peny But no Consideration has as yet been had thereof by this Court, And the Treasurer having some time since sent out his Warrants to the Selectmen or Assessors of the said Town of Boston Requiring them to Assess their Inhabitants the whole of the aforesaid Sum of Two Thousand Two hundred & fifty pounds

Therefore

*Ordered*, That the Selectmen or Assessors of the said Town of Chelsea be impowered and directed forthwith to Assess the said Sum of Thirty Six pound Eight Shillings & one peny on their said Town in such manner as is directed in the aforesaid Act, And the List of Assessment so made they are required to commit to the Collector Constable or Constables of the said Town who are hereby required and impowered to Collect the whole of each respective Sum Assessed on each particular Person and pay in the same to the Treasurer of the Town of Boston at or before the Last Day of March next. [*Passed January 8.*]

Legislative  
Records of the  
Council, xvii.,  
Misc., 163.  
Mass.  
Archives,  
cxiv., 499.

Legislative  
Records of the  
Council,  
xvii. (2), 237.  
House Jour-  
nal, p. 213.  
Province  
Laws, ii., 867.  
*Supra*, chap.  
161.



## CHAPTER 163.

ORDER IMPOWERING MARY PITMAN ADMINISTRATRIX TO CONVEY  
REAL ESTATE TO JACOB BROWN.

Legislative  
Records of the  
Council, xvii.,  
xvii. (2), 238.  
Mass.  
Archives,  
xvii., 638.

Mass.  
Archives,  
xvii., 628–638.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 165.  
House Jour-  
nal, pp. 51, 117,  
210.

A PETITION of Jacob Brown of North Yarmouth and Mary Pitman Administ<sup>x</sup> of the Estate of Peter Walton late of Falmouth dec<sup>d</sup> Intestate; praying that this Court would empower the said Mary to give a Deed to the Petitioner of certain lots of Land in the said Town of North Yarmouth, which the said Peter Walton bound himself in his life time, in a bond of Five Hundred Pounds, to convey to the said Brown, but died before he could accomplish it.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the said Mary Pitman be and hereby is fully Impowered to make good and Effectual conveyance of the said Lands to the Pet<sup>r</sup> Jacob Brown. [*Passed January 8.*]

## CHAPTER 164.

## ORDER TO ENCOURAGE THE PORPOISE FISHING.

Legislative  
Records of the  
Council, xvii.,  
Mis., 164.  
Mass.  
Archives,  
ixiii., 551.

Mass.  
Archives,  
ixiii., 552.  
Legislative  
Records of the  
Council, xvii.,  
xvii. (2), 239.  
House Jour-  
nal, pp. 196, 209.

*Ordered* that as an Encouragment to William Payne Esq<sup>r</sup> to sett afoot and carry on Porpoise fishery, The Said William Paine or his Associates (Which are hereby Limited to the Number of forty Men) shall for every Porpoise they take before the last day of May 1742 be paid to him out of the Publick Treasury two Shillings Upon his producing a Certificate from the Town Clerk where He or either of his Skippers or Masters Employed in said Fishery dwell; Ascertainning the Number; and setting forth that He or they have delivered to him the said Town Clerk the middle part of the tails of said Porpoises by him or them taken and made Oath that the tails so delivered are truly and Bona Fide the tails of Porpoises taken by him or them and their Crews; and that the said Town Clerk hath burned and Consumed the Same, And the Town Clerks respectively are hereby directed and Impowered to administer Said Oath and deliver Certificates Accordingly. [*Passed January 9.*]

## CHAPTER 165.

ORDER IMPOWERING MERCY & JOSHUA SEVER ADMINISTRATORS TO  
SELL REAL ESTATE TO PAY DEBTS.

Legislative  
Records of the  
Council, xvii.,  
xvii. (2), 240.  
Mass.  
Archives,  
xvii., 668.

Mass.  
Archives,  
xvii., 666, 667.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 169.  
House Jour-  
nal, pp. 172,  
209 *bis*.

A PETITION of Mercy Sever and Joshua Sever, Administ<sup>rs</sup> of the Estate of Joshua Sever late of Dorchester dec<sup>d</sup> Intestate; Shewing that the said Intestate, some time before his death, agreed to sell thirteen Acres of his land in Roxbury to Ebenezer Cheyny of that place, for two hundred and sixty pounds, and had received Seventy five pounds of the money, but was prevented by his sudden death from giving the said Cheyny a deed of the said land; And therefore Praying that by the authority of this Court, they may be impowered to execute a Deed for conveying the said thirteen Acres of land to the said Ebenezer Cheyny.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>rs</sup> be and

hereby are fully Authorized and Impowered to Execute a good Deed of Sale of the land Mentioned in the Pet<sup>n</sup> to the said Eben<sup>r</sup> Cheney his Heirs and Assigns for Ever the Money arising by the sale aforesaid to be applied for the Payment of the Just Debts of the Dec<sup>d</sup> the Pet<sup>rs</sup> giving Bond to the Judge of Probates for the County of Suffolk for their being accountable for the Same. [*Passed January 9.*]

## CHAPTER 166.

### ORDER SETTLING THE BOUNDARY BETWEEN SPRINGFIELD AND SUFFIELD.

THE COMMITTEE to whom was referred the consideration of the Petition of William Pyncheon Esq<sup>r</sup> in behalf of the Proprietors of the town of Springfield praying the bounds between the said town & the town of Suffield may be ascertained & determined, having considered the same with the Answer thereto given in behalf of the town of Suffield, and having fully heard the Allegations of both parties Do report as their Opinion that the North bounds of the town of Suffield dividing it from the town of Springfield is a line running West by the Needle from two tall Middling trees standing about two feet from ea[ch] other, one a Walnut tree other an Oak near a Gutter which empties itself in the great River mentioned in the Courts grant of the Township of Suffield till it meet with the bounds of Westfield, and that line between the said Towns be run accordingly. All which is humbly submitted in the name & by Order of the Committee.

Legislative Records of the Council, xvii., Mis., 169.

Mass. Archives, cxiv., 478-482. Legislative Records of the Council, xvii., Mis., 148; *ibid.*, xvii. (2), 203, 245. House Journal, pp. 187, 207, 216. *Ante*, p. 592, chap. 54.

M BOURN.

Read &

*Ordered* that this report be Accepted & that the dividing Line between the towns of Springfield & Suffield be and hereby is stated & settled accordingly, provided that no particular persons property be affected thereby. [*Passed January 9.*<sup>1</sup>]

## CHAPTER 167.

### ORDER IMPOWERING JOHN MITCHEL TO BRING FORWARD A WRIT OF SCIRE FACIAS.

A PETITION of John Mitchel of Newbury: Shewing that the person he confided in for serving Joseph Atkins Esq<sup>r</sup> with a Copy of his petition, entered in April last, neglected the said service; and therefore Praying that the said Petition may be revived.

Read together with the Answer of Joseph Atkins Esq<sup>r</sup> and the Matter being fully considered;

*Ordered* that the Prayer of the Petition be granted and that the Petitioner be allowed and impowered to Bring forward a Writ of Scire Facias De Novo upon the original Process mentioned in the Petition against the said Joseph Atkins Esq<sup>r</sup> to the Superiour Court of Judicature to be holden at Ipswich within & for the County of Essex on the Second Tuesday of May next and the Justices of the Said Court

Legislative Records of the Council, xvii. (2), 188.

Mass. Archives, xli., 468.

Mass. Archives, xli., 456-470. Legislative Records of the Council, xvii., Mis., 173; *ibid.*, xvii. (1), 327, 457; *ibid.*, xvii. (2), 240. House Journal, pp. 177, 197, 219.

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is January 10.

are hereby empower'd & Directed to hear & try the Said Action upon the Said Writ enter up Judgment and award Execution accordingly. [*Passed January 10.*<sup>1</sup>

## CHAPTER 168.

Legislative  
Records of the  
Council, xvii.  
(2), 241.  
Mass.  
Archives,  
xvii., 107.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND TO LIEUT JOHN LARRABEE.

A PLAT of Five Hundred Acres of Land laid out by John Hutson<sup>2</sup> Surveyr and Chain men on oath; to satisfy a grant made by this Court to Lieu<sup>t</sup> John Larrabee; bounded Westerly on land granted to Ephraim Williams Esq<sup>r</sup> and partners, Southwardly on Country Land, Eastwardly on Country Land, and Northwardly on Country Land.

Read and

*Ordered* that this Plat be accepted And the Lands therein delineated and described be and hereby are confirmed to the said John Larrabee his Heirs and Assigns for ever. Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed January 10.*

## CHAPTER 169.

Legislative  
Records of the  
Council, xvii.,  
Mis., 173.  
Mass.  
Archives,  
cxiv., 501.

ORDER FOR A MEETING OF THE PROPRIETORS OF A TOWN GRANTED TO THE COMPANIES OF CPT. MARCH &<sup>c</sup>.

*Ordered* that Thomas Berry Esq<sup>r</sup> Be and hereby is Impowered to Assemble the Grantees of the Township,<sup>3</sup> Lying on Merrimack River, Granted To the Officers and Soldiers, in the Expedition To Canada Anno. 1690. Under the Command of Cap John March Cap<sup>t</sup> Stephen Greenleaf & Cap<sup>t</sup> Philip Nelson

In such Place and at Such Time as he Shall think fit Then to Chuse A Moderator. and Proprietors Clerk To Agree upon Rules Methods and Orders for the Division and Disposal of the said Propriety in the Most Proper Methods for the Speedy fulfilment of the Conditions of their Grant, And To Agree upon Methods for the Calling future Meetings. [*Passed January 10.*

## CHAPTER 170.

Legislative  
Records of the  
Council, xvii.,  
Mis., 174.  
Mass.  
Archives,  
cii., 1.

VOTE APPOINTING A COMMITTEE ON THE ACC<sup>TS</sup> OF THE COMM<sup>RS</sup> OF THE £100,000 LOAN.

In Council

Whereas in July 1737, a Comm<sup>tee</sup> was appointed by this Court to examine the Acc<sup>ts</sup> of the Commiss<sup>rs</sup> of the £100,000 Loan & to report what they are severally chargeable with &c; but no Report thereof having been yet made;

*Voted* that William Dudley, John Jeffries & Anthony Stoddard Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee for the Affair afore said, & that they proceed therein & make Report as soon as may be: And that the said Committee consider

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is January 9.

<sup>2</sup> The House Journal, p. 215, reads, "John Huston."

<sup>3</sup> This township became Salisbury, New Hampshire.

what may be proper for this Court to do respecting the Lands forfeited to the Province, & report thereon.

In the House of Rep<sup>ves</sup>

Read and concur'd and M<sup>r</sup> Roland Cotton M<sup>r</sup> John Wheelwright Samuel Watts and Samuel Jackson Esq<sup>rs</sup> are Joyned in the Affair. [*Passed January 10.*]

## CHAPTER 171.

### ORDER ON THE PETITION OF MALDEN NORTH PRECINCT, CONFIRMING THE RIGHTS OF REV. M<sup>r</sup> EMERSON.

A PETITION of the North Precinct in Malden, Shewing that whereas this Court were pleased in consequence of a Report of John Stoddard Esq<sup>r</sup> and others (a Committee of the Court) to take off a part of their Ministerial Lands & grant it to the South Precinct, the Petitioners apprehend their lawful right is much affected with that Order, and that the Court was not then fully apprized of the state of their case; and therefore Praying that the matter may be reconsidered and the said precinct restored to its Right.

A Hearing having been had yesterday before the whole Court on this Petition, and the Matter being fully considered; the Question was put, Whether the Prayer of the Petition be Granted? And it pass'd in the Negative: Nevertheless, it is hereby

*Ordered* that Nothing contained in any Votes or Orders of this Court relating to the Ministerial Lands belonging to the Town of Malden or for dividing the s<sup>d</sup> Town into two Precincts shall be construed to affect any Right that the Reverend M<sup>r</sup> Emerson may have by Vertue of his Contract with the People there or any Votes of the Town referring to his Support. [*Passed January 10.*]

Legislative  
Records of the  
Council,  
xvii. (2), 187,  
242. Mass.  
Archives, xii.,  
113.

Mass.  
Archives, xii.,  
111-126.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 174; *ibid.*,  
xvii. (2), 199.  
House Jour-  
nal, pp. 178, 193,  
215, 217. *Ante*,  
p. 439, chap.  
189.

## CHAPTER 172.

### ORDER REFERRING WITH NOTICE THE ATTLEBORO PETITION ABOUT BOUNDARIES AND TAXES.

A PETITION of John Foster Esq<sup>r</sup> Representative of the Town of Attleboro representing the distressed state of the said Town by the reason of the Controversy between this Province and the Government of Rhoad Island referring to the Boundary, and there is between seven and eight hundred Pounds of Taxes laid on the said Town (being what was assessed on those that are claimed by Rhoad Island Government) which is not yet collected; Praying that this Court would give Orders thereabout. Read, and

*Voted* that this Petition be refer'd to the next Sitting of this Court, the Dispute between this Province and the Colony of Rhoad Island referring to their Boundary, not being yet determined. [*Passed January 10.*]

Legislative  
Records of the  
Council,  
xvii. (2), 243.

House Jour-  
nal, pp. 123, 177,  
217. *Ante*,  
p. 605, chap.  
86.



## CHAPTER 173.

## ORDER APPOINTING A COMMITTEE ON THE PETITION OF SALEM AND NEWBURYPORT ABOUT FERRIES.

Legislative  
Records of the  
Council, xvii.,  
xvii. (2), 244.

House Jour-  
nal, pp. 219, 220,  
221.

A MEMORIAL of Thomas Berry Esq<sup>r</sup> & others, Representing that the Ferry between Salem and Beverly and that between Newbury and Salisbury, are under bad management, the Boats not sufficient and the Ferries ill tended, which is a great grievance to those that travel that way; Praying that this Court would give Orders that the said Ferries be provided with good and sufficient Boats, that the fares be stated, that so no person may be imposed on, that there be suitable ways made at those Ferries, and that they may be under the same regulation with the Ferry between Boston and Charlestown.

In Council: Read and

*Ordered* that Thomas Berry, Benjamin Lynde and Samuel Danforth Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House be a Committee to take this Petition under consideration and report what may be proper to be done thereon; as also for the better regulation of the several Ferries within this Province.

In the House of Represent<sup>ves</sup> Read and Concur'd, and Thomas Greaves Esq<sup>r</sup> Cpt Gyles Russel, Cpt Richard Rogers and Cpt John Storer are joined in the affair. [*Passed January 10.*]

## CHAPTER 174.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON UPPER HOUTATANNUCK LANDS, CONFIRMING A PLAT OF 2,000 ACRES, AND IMPOWERING PROPRIETORS TO SURVEY AND LAY OUT ADDITIONAL LAND.

Legislative  
Records of the  
Council, xvii.,  
Mss., 172.  
Mass.  
Archives,  
xxxii., 272.

Mass.  
Archives,  
xxxii., 271, 273.  
Legislative  
Records of the  
Council,  
xvii. (2), 246.  
House Jour-  
nal, pp. 183, 213,  
216. *Inte.*  
p. 384, chap. 54;  
p. 414, chap.  
131.

THE COMMITTEE appointed on the Vote of Yesterday to consider what may be proper for this Court to do, relating to the equivalent Committee so called, granting to Mess<sup>rs</sup> Joseph Green & Isaac Walker Merchants, Byfield Lyde Esquire, & John Green Merchant Equivalents for lands by them respectively to be surrendered to the Government lying in the upper Houtatannock in order to accommodate the Indian Town now called Stockbridge Having met, and made as full an Enquiry into the Affair as the nature & circumstances thereof would now Admit of, and also heard the said Ebenezer Pomroy, and Thomas Ingersole Esquires two of the said Committee, as also the said Green and Walker thereon Do Report as follows, viz<sup>t</sup>

That considering the great forwardness heretofore shewn by the said four Gentlemen Grantees in upper Houtatannock, and their Willingness still to comply with the desire of the Government, in surrendering up their respective interests, in Order that the Indians should be well accommodated, Although the lands there were then (and now are) very valuable And Considering that great part of the lands of the Province have been since granted away, so that they must be obliged to take equivalents at a great distance, and of much less value That therefore, the quantity of land proposed by the said Pomroy and Ingersole be allowed and granted to said Grantees in lieu of theirs to be surrendered to the Government for the use of the Indian Town aforesaid, and that the plat of the two thousand Acres lying on the back of Northampton be confirmed to them as part thereof, the remainder



to be laid out adjoining to some Township or former grant, and not to exceed three peices, to be laid in regular forms, and so as not to incommode lands suitable for Townships, and that they return plats thereof, taken by a Surveyor & chainmen on Oath within twelve months from<sup>1</sup> Confirmation. All which is humbly submitted by order of the Committee

JOHN CHANDLER

Read and

*Ordered* that this Report be Accepted. [*Passed January 10.*]

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## CHAPTER 175.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF WATERTOWN TO ASSESS AND LEVY A TAX OF £51. 5 AND A TAX OF £45. 6. 3 TO THE TOWN OF WALTHAM.

A PETITION of Jonas Bond Representative of the Town of Watertown, Setting forth that whereas in the year 1737 a Tax for calling in the sum of £12,500 in Bills of the new Tenor with which the Treasury was then supplied, was assessed on the several Towns, and on the town of Watertown their Proportion; since which the said Town has been divided and a new Town called Waltham set off from them, the Province Treasurer has sent forth his Warrants for collecting the whole sum then set on the said Town of Watertown: Praying that proper Orders may be given for the relief of the said Town.

Read, and in Answer to this Petition, for asmuch as the Tax within referr'd to is not yet made or Assessed

*Ordered*, That Mr. Treasurer Foye be and hereby is fully Directed and Impowered to Issue forth New Warrants for the Sum heretofore Assessed on the Town of Watertown as their proportion of the Tax of Twelve Thousand Five Hundred Pounds Granted Anno 1737, being Ninety Six pounds Eleven shillings and three pence, viz<sup>t</sup> One Warrant directed to the Select Men or Assessors of the Town of Watertown, Requiring them forthwith to Levy and Assess on the Polls and Estates of Said Town the Sum of Fifty One pounds Five shillings And also One Other Warrant directed to the Select Men or Assessors of the Town of Waltham, Requiring them forthwith to Levy and Assess on the Polls and Estates of said Town, the Sum of Forty five Pounds Six shillings and Three pence, being the Town of Walthams just proportion of said Sum, to be respectively paid into the Province Treasury, agreeable to the Law Granting said Tax. [*Passed January 10.*]<sup>2</sup>

Legislative  
Records of the  
Council,  
xvii. (2), 251.  
Mass.  
Archives,  
cxiv., 484.

Mass.  
Archives,  
cxiv., 483.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 171.  
House Jour.  
nal, pp. 216, 217.  
Province  
Laws, ii., 867.  
*Ante*, p. 641,  
chap. 162.

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## CHAPTER 176.

ORDER ALLOWING EQUIVALENT LANDS TO THE GRANTEES OF THE NARRAGANSET TOWN N<sup>o</sup> 4.

A PETITION of John Foster Esq<sup>r</sup> and Edward Shove, Agents for the Grantees of the Narraganset Township Number Four, Shewing that a Tract of Land lying at a place called Quabin (being part of their Grant) supposed to contain about fifteen thousand Acres, falls short about eleven or twelve hundred Acres, partly by reason of an ancient

Legislative  
Records of the  
Council,  
xvii. (2), 243.  
Mass.  
Archives,  
cxiv., 475.

<sup>1</sup> Legislative Records of the Council, xvii. (2), 246, reads, "for."

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is January 11.

Mass.  
Archives,  
cxiv., 476, 477.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 171.  
House Jour-  
nal, pp. 164, 165,  
196. *Ante*,  
p. 537, chap.  
144.

Grant to one Mr Star lying within the limits of the said Tract, and partly by reason of ponds and low sunken grounds which were not known upon the first laying out the said Tract; And therefore Praying for an Equivalent on the West side of Hatfield, between Deerfield and the town called Hunts Town.

Read [and]<sup>1</sup>

*Ordered* that the Soldiers Proprietors of the [Town]<sup>1</sup> ship N<sup>o</sup> 4 Have as an Equivalent for the great [q]<sup>1</sup> nantities of Ponds and the Land belonging to one Starr (mentioned in the Petition) three Thousand five Hundred Acres of that Land they pray for On the North Side of their Land laid out to them between Hatfield and a place called Hunts Town the land to be laid out to run parralel with their North Line, they to return a Plat thereof to this Court within twelve Months for confirmation. [*Passed January 10.*]

## CHAPTER 177.

### ORDER REFERRING THE REPORT ON HASSANIMISCO AFFAIR.

Legislative  
Records of the  
Council, xvii., 251.  
Mass.  
Archives,  
cxiv., 485.

House Jour-  
nal, p. 25  
(June, 1725);  
p. 220. *Provin-*  
*ce Laws*, ii.,  
467, chap. 14.  
*Ante*, p. 39,  
chap. 215;  
p. 589, chap. 45;  
p. 623, chap.  
126.

THE COMMITTEE Appointed by the Great & General Court (upon the Petition of Samuel Chandler John Sherman & plinehas Rice prefer'd to S<sup>d</sup> Court in their Session in May 1739) Report thereon as followeth Viz<sup>t</sup> First we would Observe to this Hon<sup>ble</sup> Court That upon a Petition of Samuel Chandlers & others S<sup>d</sup> Court Did give liberty to Forty petitioners to purchase the lands at Hassanamisco petitioned for, upon Conditions & under the Reservations expressed in a Vote of the House of Representatives on June 9<sup>th</sup> 1725. Among which Conditions & Reservations Yo[ur]<sup>1</sup> Excellency & Hon<sup>rs</sup> will Observe care was taken that Equal Dividends Should be Set forth to the Indians. and th[at]<sup>2</sup> the Said purchasers, together with Other English proprietors of Lands there Should Erect a Meeting house & Schoolhouse & Support Settle & Support<sup>3</sup> a Minister & Schoolmaster for the benefit of the Indians as well as of the English for ever without Charge to the Indian Natiues, as will more fully Appear by the Records of s<sup>d</sup> Court.

That pursuant to the aforesaid Conditions, as also an Act of the General Court made & passed in the first Year of his Majesties Reign Intitled An Act to Oblige the Forty petitioners for a Tract of Land at Hassanamisco together with the English proprietors of the Other lands there to pay the Charge of Erecting A Meetinghouse & Schoolhouse &c the S<sup>d</sup> English proprietors having built a Very Decent Meetinghouse did Assign a Certain place for the Indians Seats, And we being at Hassanamisco, at the Motion of Several of the principal Gentlemen of the proprietors we Viewed S<sup>d</sup> place being the part of the House on both Sides of the South Door from the Wall to the Alley with which place we Observed the Indians to be very well pleased. And we declared that it was Acceptable to our selves as Trustees for them.

That before the Said proprietors had Accomplished & performed the Conditions expressed as afores<sup>d</sup>, as also t[he]<sup>2</sup> Conditions of their Bonds given to the Trustees respecting the Same, Several of the Said purchasers (contrary to the Orders of this Court & without any Approbation or Countenance of the Trustees) Sold their Rights, by which means other persons (not named in those Obligations) became proprietors of lands th[ere]<sup>3</sup>

<sup>1</sup> MS. mutilated. Inserted from Legislative Records of the Council, xvii., Mis., 171.

<sup>2</sup> MS. mutilated.

<sup>3</sup> *Sic.*

And upon Application to this Hon<sup>ble</sup> Court in their Session Anno 1734. (which we humbly Concei[ve]<sup>1</sup> was too hastily pushed forward) the Said lands were Enacted into a Township & the Inhabit[ants]<sup>1</sup> Vested with Town powers & privileges.

That before the Said Investiture, the proprietors had proceeded by their Vote to Appoint a Com<sup>ce</sup> wh[ich]<sup>1</sup> pursuant to Said Vote had disposed of the places for pews to Sundrey of the s<sup>d</sup> proprietors, Assigning two of those pew places to Some of the proprietors known by the name of the Nine families, and othe[r]<sup>1</sup> of them to Some of the Forty purchasers who had Setled their Interests by themselves or their posterity, And ([so]<sup>1</sup> far) Conformed to the Order of this Court.

That after the Inhabitants were Constituted a Township as aforesaid, They Apprehending (as we concei[u]<sup>1</sup>) that the Meeting house, and Accordingly the Disposition of the pew places as well as other Seats Apperta[in]<sup>1</sup>ed to them as a Town, proceeded to make Sale as well of the place Assigned to the Indians as aforesaid<sup>1</sup> as also of the pew places before Disposed of to some of the English proprietors as aforesaid

That the mi[s]<sup>1</sup> understandings Arising upon this head has Occasioned the Contentions that haue happened between the p[ro]prietors who were the first purchasers & the Inhabitants & later proprietors in said Township, And gi[ve]<sup>1</sup> Rise to the petitions now lying before this Hon<sup>ble</sup> Court, Each party Endeavouring to Support & Secure their Supposed rights & privileges.

That though it Appears that both the proprietors & Inhabitants of the Town of Grafton are Desirous that the Bonds Obligeing the first proprietors respecting the Maintenance of the Ministry & School &c may be Cancelled & the future Charges thereof fixed on the Inhabitants as a Town Ye[t]<sup>1</sup> we Apprehend that it is not practicable at present But upon the whole Are of Opinion That the proprietors who purchased the lands together with the Nine families who were Joined with them in the Charge of building the Meeting house &c had the right to dispose of the pew places & by their Vote (being Regularly Assembled) did Dispose of the most of said pew places as aforesaid, before the Inhabitants were Incorporated into a Township, & that before the Bonds of the proprietors relating to Settlement be given up, it is requisite that all & Singular the Conditions expressed & comprehended in the Vote of the House of Representatiues on June 9. 1725. relating to the Lands Reserved to the Indians be fully perform[ed]<sup>1</sup> so that this Hon<sup>ble</sup> Court may be Ascertained that the Indians haue each of them a Dividend equal to one of the Forty purchasers, And plans thereof as also of the Other lands Reserved for the Indians brought in Accordingly, to be laid before this Court, at the Charge of the Said purchasers, which the Said purchasers (though often urged by the Trustees) haue hitherto [neg]<sup>1</sup>lected

Wee are further of Opinion That it would very much Obstruct the good Intenti[on]<sup>1</sup> Of the Government in their Grant of those Lands if the Indians through Discouragement or Disgust become Negligent in their Attendance on the publick Worship, And That therefore they be by no means prevented the Enjoyment of Convenient Seats in the place formerly Assigned to 'em and which then was & still is very pleasing to them. Wee are further of Opinion That so long as the said Bonds remain in force the Said first purchasers with the other proprietors known by the name of the nine families are to be considered as the only persons Obliged to maintain the Ministry & School for the benefit of the Indians (as well as English) without Charge to the Indians or their posterity, And that the Government of the Meeting house and School house so far as respects their personal Interest & the benefit of the Indians belongs (under the Direction of the General

<sup>1</sup> MS. has been mutilated by trimming.

Court) to them & their Descendants, And that they had good reason to Apply, by their Committee to this Court as they have done, in order to Secure their rights & privileges, any thing contained in the petition called the petition of the proprietors & the Town of Grafton notwithstanding

All which is humbly Submitted

Jan<sup>ry</sup> 4. 1739

¶

SPHIPS

EDW<sup>d</sup> GODDARD

EPHRAIM CURTIS

Trustees for the Indians of Hassanamiscoe

Read and

*Ordered* that the Consideration of this Report be referred to the next May Session. [*Passed January 11.*]



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FOURTEENTH DAY OF MARCH, A.D. 1739.

## CHAPTER 178.

## ORDER IMPOWERING JOS. RUSSEL ADMINISTRATOR TO SELL REAL ESTATE AND EXECUTE DEEDS OF CONVEYANCE.

A PETITION of Joseph Russel Administ<sup>r</sup> of the Estate of Barnabas Eaton a minor, dec<sup>d</sup> Son of John Eaton late of Reading in the County of Middlesex also Dec<sup>d</sup> Shewing that the personal estate of the said Barnabas being insufficient to pay his debts, the Petitioner obtained an Order from the Superior Court, for selling a part of his lands, which he offered to Sale but can not get near so much for it as is necessary for the payment of the debts: And for as much as the said land is incapable of being divided without damage, and brings in but a small profit in proportion to the value of it, and the heirs and Guardians of such of them as are Minors, apprehend it would be best for the whole estate should be sold together, and have signified their mind hereupon; therefore Praying the leave of this Court for selling the whole of the Lands above mentioned.

Read &

*Ordered*, that the Prayer of the Petition be granted, and the Petitioner (Administrator as aforesaid) be and he hereby is fully Authorized and Impowered to make Sale of all the land and House mentioned in the Petition for the most the same will fetch and to give and execute good & sufficient Deeds in the Law for the same and in proceeding therein to observe the rules & directions of the Act of this Province made in the sixth year of the reign of His late Majesty King George Chap: 3<sup>d</sup> relating to the sale of real Estates, The Petitioner first giving proper Caution to the Judge of Probates for the County of Middlesex that the proceeds of the sale (after deducting the sum of One Hundred & five pounds three Shillings & two pence to be applied for the payment of the just debts of the deceased as within mentioned) shall be paid to the Heirs & Guardians of such of the Heirs as are Minors according to their respective proportions therein; which the said Guardians are to apply to the best use & Advantage of their respective Minors, and to be accountable for the same together with the profit, or interest that may arise thereon according to the directions of the Law. [*Passed March 17.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (2), 256;  
*ibid.*, xvii.,  
Mis., 175.

Mass.  
Archives,  
xvii., 670.  
House Jour-  
nal, pp. 224, 225,  
227. Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is March 15.



## CHAPTER 179.

## ORDER APPOINTING COMMISSIONERS FOR SETTLING THE LINE ON NEW YORK PROVINCE.

Legislative  
Records of the  
Council, xvii.,  
Mis., 176.  
Mass.  
Archives, iv.,  
97.

Legislative  
Records of the  
Council,  
xvii. (2), 254,  
258. House  
Journal,  
pp. 226, 229, 234.  
*Ante*, p. 87,  
chap. 183.

In the House of Representatives

*Ordered* that Ebenezer Pomroy Joseph Dwight and William Pyncheon Esq<sup>rs</sup> with such as shall be Joynd by the Honourable Board be and hereby are Appointed Commissioners on behalf of this Province, to meet Commissioners from the Government of New York for Compromising the Affair of the Boundary line between the two Governments, and with them to agree upon Preliminaryes, and finally Settle the said Boundaryes and to Appoint suitable Persons for running and marking the Same and the determination of the said Commiss<sup>rs</sup> or the Major part of them Signed Sealed and perfected with the said Commissioners of the Province of New York or the Major Part of them, shall be for ever deemed and held good and Valid by this Government, Provided the like Power be given by the said Government of New York to their Commissioners, and the determination of the said Boundaryes be made within the Term of Eighteen Months from this date Report to be made of the proceedings therein as soon as may be.

In Council

Read & Concur'd, And John Stoddard William Dudley & Jacob Wendell Esq<sup>rs</sup> are joined in the Affair. [*Passed March 18.*]

## CHAPTER 180.

## ORDER APPOINTING A COMMITTEE TO INQUIRE INTO PROJECTIONS FOR ISSUING NOTES &amp;c.

Legislative  
Records of the  
Council, xvii.,  
Mis., 177.  
Mass.  
Archives, vi.,  
683.

Legislative  
Records of the  
Council,  
xvii. (2), 259.  
House Jour-  
nal, p. 231.

In Council

Whereas there have been divers Projections laid by private Persons for making & emitting Notes of Hand as a Medium of Trade & Commerce between Man & Man, & some Persons have proceeded so far as to take Subscriptions in considerable sums for perfecting such Projections, which may greatly affect the Interests of many of His Majestys good subjects of this Province;

*Ordered* that William Dudley John Jeffries & Anth<sup>o</sup> Stoddard Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to inquire into the Matters afores<sup>d</sup> & make report thereof & what they judge proper for this Court to do thereon

In the House of Representatives

Read and concur'd and Thomas Greaves Eben<sup>t</sup> Pomroy Henry Rolfe Esq<sup>rs</sup> and M<sup>r</sup> Thomas Cushing are Joynd in the Affair. [*Passed March 18.*]

## CHAPTER 181.

ORDER IMPOWERING THE HEIRS OF ELIZ<sup>a</sup> ORNE TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (2), 259.  
Mass.  
Archives,  
xvii., 647.

A PETITION of the Heirs of Elisabeth Orne of Boston, Showing that it will be of great advantage to them to sell the Real Estate of the Dec<sup>d</sup> which consists of a small house and land in Boston, but one of the Heirs being a Minor they cannt give a Title without the authority

of this Court; and therefore Praying that the Petitioners with the Guardian of the said Minor (Elisabeth Orne) may be impowered by this Court to make sale of the said House and Land.

Read and Accepted and

*Ordered* that the Petitioners be allowed and Impowered to make sale of the House and Land mentioned in s<sup>d</sup> Petition for the most the same will fetch they Attending the Law of this Province made in the Sixth Year of the Reign of the late King George the first cap. 3<sup>d</sup> relating to the Sale of real Estate and to Execute a good and sufficient Deed of Conveyance in the Law therefor to Such Person as shall appear to purchase the Same the Proceeds of the Sale of the Premisses to be distributed to and Among those to whom the Premisses were devised in proportion to their Respective Interests therein. and the Share belonging to the Minor to be in the Hands of Her Guardian M<sup>r</sup> Thornton Barrett for the Use And Benefit of S<sup>d</sup> Minor. [*Passed March 18.*]

Mass.  
Archives,  
xvii., 641-647.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 175.  
House Jour-  
nal, p. 111 *bis*.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 182.

ORDER OF NOTICE ON THE PETITION OF DIVERS INHABITANTS OF MARLBORÔ, &c PRAYING TO BE ERECTED INTO A SEPARATE TOWNSHIP.

A PETITION of David How, William Brentnal and John Weeks with sundry others, Inhabitants of Marlborô, Framingham, Sudbury and Stow; setting forth the great difficulties they are under for attending the Publick Worship of God in their respective Towns by reason of their remoteness from the places of Worship; And therefore praying that they and their Estates may be separated from the said Towns and constituted a distinct Township.

Read and

*Ordered* that the Petitioners Serve the Towns of Marlborough Framingham Sudbury and Stow with a Copy of this Petition that they respectively Shew cause (if any they have) on the first thirsdlay of the next May Session. Why the Prayer thereof, should not be granted? [*Passed March 20.*]

Legislative  
Records of the  
Council,  
xvii. (2), 263.  
Mass.  
Archives, xii.,  
138.  
Mass.  
Archives, xii.,  
137. House  
Journal, p. 224.

## CHAPTER 183.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF LEICESTER TO ASSESS AND COLLECT A TAX OF THREE PENCE PER ACRE ON LAND FOR THE YEAR 1740 AND A FURTHER TAX OF TWO PENCE PER ACRE FOR TWO YEARS.

A PETITION of Samuel Tyley Clerk of the Proprietors of the Westerly part of the Town of Leicester; Shewing that the said Proprietors at a legal Meeting held the 23<sup>rd</sup> of January last unanimously Voted that the Lands of the Proprietors in the said Westerly part be subjected to a Tax of three Pence per acre in the year 1740. and two pence per acre each year for the years 1741 and 1742, the said Taxes to be applied towards the building a Meeting House and support of a Minister in the said Westerly part; praying that this Court would confirm the Vote of the said Proprietors.

Read and

*Ordered* that the Prayer of the Petition be granted, and the s<sup>d</sup> Samuel Bemus and James Wilson be and hereby are Authorized and Impowered to Assess the said Tax. And the Said Grafton Feveryear and

Legislative  
Records of the  
Council,  
xvii. (2), 264.  
Mass.  
Archives, xii.,  
132.  
Mass.  
Archives, xii.,  
131-133. Legis-  
lative Records  
of the Council,  
xvii., Mis., 178.  
House Jour-  
nal, p. 230.

Samuel Capon be and hereby are Impowered and Authorized to collect the Money from time to time as the Said Committee shall direct pursuant to the Votes Aforesaid. [*Passed March 20.*]

## CHAPTER 184.

### ORDER OF NOTICE ON SAM<sup>LL</sup> BLANCHARDS PETITION FOR AN APPEAL FROM A JUDGMENT.

Legislative  
Records of the  
Council,  
xvii. (2), 266.

House Jour-  
nal, p. 233.

A PETITION of Samuel Blanchard of Malden in the County of Middlesex; Shewing that John Leath Executor of Francis Leath late of Woburn dec<sup>d</sup> brought his action at the Inferior Court for said County held in Decem<sup>r</sup> last against the Petitioner, upon his Bond, and the action went against him by Default, but after Judgement was made up the Petitioner found reason to suspect that there has been an alteration made in the Bond since he executed it; And therefore praying that he may be admitted to appeal from the Judgement aforesaid, and to have a trial of the merits at the next Superior Court of Judicature for the said County.

Read and

*Ordered* that the Petitioner serve the adverse party, the within named John Leath, with a copy of this Petition, that he shew cause if any he have on Tuesday the twenty fifth Curr<sup>r</sup> why the Prayer thereof should not be granted.<sup>1</sup> [*Passed March 20.*]

## CHAPTER 185.

### ORDER IMPOWERING REBEC: AMORY TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (2), 265.  
Mass.  
Archives,  
xvii., 674.

Mass.  
Archives,  
xvii., 673.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 179.  
House Jour-  
nal, p. 236.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Rebecca Amory of Boston Widow and Administ<sup>s</sup> of Thomas Amory dec<sup>d</sup> Shewing forth that her said husband left an Estate in land with a Dwelling House, Still-house and Wharf in Boston aforesaid, which Buildings and Wharf are under such decay as that she has had no benefit by the rent of them for several years; And therefore Praying for the Order of this Court to empower her to sell the said Real Estate for the benefit of herself and her children.

Read and

*Ordered* that the Prayer of the Petition be granted, and that the Petitioner in her Capacity as Administ<sup>s</sup> to the Estate of the within named Thomas Amory be allowed & impowered to make Sale of the Dwelling House Distilhouse Land & Wharf within mentioned, to the Person or Persons that will give most for the Same and to pass & execute in due Form of Law a good Deed or Deeds of Sale & Conveyance thereof; And in proceeding therein to observe the Rules & Directions of the Act of this Province of the Sixth Year of the Reign of the late King George Chap: 3<sup>d</sup> relating to the Sale of Real Estates: provided the Petitioner give Sufficient Caution to the Judge of Probate for the County of Suffolk, that Two Thirds of the Produce of the Sale Shall be paid to the Guardians of the Heirs of the Said Dec<sup>d</sup> according to their respective Parts & Proportions therein, which the Said Guardians are to apply to the best Use & Advantage of their Minors, and are to be Accountable for the Same; And that the other Third after

<sup>1</sup> No further action on this petition has been found.

the Decease of the Widow of the Said Thomas Amory Shall be paid to his Said Heirs or their legal Representatives according to the Directions of the Law. [*Passed March 21.*<sup>1</sup>

## CHAPTER 186.

ORDER ON THE PET<sup>CON</sup> OF NATH<sup>L</sup> COIT & OTHERS OF GLOCESTER, IN REGARD TO THE FORMATION OF A SEPARATE PRECINCT, AND PAYMENT OF MINISTERIAL TAX.

ON THE PETITION of Nathaniel Coit and others of the Town of Gloucester; [*ante*, p. 623, chap. 127]

Read, together with the Answer of the first parish in Gloucester, and in answer to the Petition:

*Ordered* that the Petitioners and their Associates be allowed six months time for leaving their names in writing, with the distance of their respective habitations from the old Meeting house in the said parish, together with the list of the Assessment of their last Parish Tax, with Samuel Lee Esq<sup>r</sup> of Manchester, who is hereby impowered and directed to receive the same and make return thereof to this Court; And the Petitioners are directed in the mean time to employ a Survey<sup>r</sup> under Oath, to survey and make a plat of the said parish, noting therein the places of the Old and New Meeting Houses there, and the Houses of the Petitioners, as exact as he can; the said plat to be returned to this Court as soon as may be after the expiration of the term aforesaid; and the Petition is refer'd in the mean time for consideration accordingly. And the Petitioners and their Associates are hereby excused from paying their part or proportion of the Ministerial Tax to the Rev<sup>d</sup> M<sup>r</sup> White for the said term of six months; provided they maintain constant Preaching in the said old Meeting House. [*Passed March 21.*

Legislative  
Records of the  
Council,  
xvii. (2), 267.

House Jour-  
nal, pp. 237, 238.  
*Ante*, p. 623,  
chap. 127.

## CHAPTER 187.

ORDER OF NOTICE ON WM LEIGHTONS PETITION FOR VACATING A JUDGMENT.

A PETITION of William Leighton of Kittery in the County of York; Shewing that Paul Gerrish of Dover in the Province of New Hampshire Esq<sup>r</sup> commenced an Action of the case, against the Petitioner as Administrator of the Estate of his late mother Oner Leighton Dec<sup>d</sup> who was Executrix of the last Will and Testament of his father John Leighton dec<sup>d</sup> for a legacy left by the said Testament to the Plaintiffs wife Mary Gerrish daughter of the said John Leighton; which action was tried at Falmouth in said County in October last, and went by default against the Petitioner, by reason of the unexpected sickness & absence of the Petitioners Attorney; And therefore Praying that the proceedings on the said Judgement may be staid, and the Judgement vacated, and that he may have a Trial of the said Action by a Jury, notwithstanding said Default.

Read &

*Ordered* that the Petitioner Serve the adverse party with a Copy of

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is March 20.

Legislative  
Records of the  
Council,  
xvii. (2), 269.

Mass.  
Archives,  
xvii., 677.

Mass.  
Archives,  
xvii., 673.  
House Jour-  
nal, p. 238.



the Petition that they Shew Cause, if any they have, on the Second Wednesday of the next May Session, why the Prayer thereof Should not be granted. [*Passed March 21.*<sup>1</sup>

## CHAPTER 188.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON LITTLE COMPTON PETITION AND SETTING ASIDE COURT PROCEEDINGS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 182.  
Mass.  
Archives,  
cxi., 190.

Legislative  
Records of the  
Council,  
xvii. (2), 267,  
270. House  
Journal, p. 241.  
*Ante*, p. 633,  
chap. 147.

THE COMMITTEE to whom was referred the Petition of the Town of Little Compton &c. having heard the Petitioners, the Respondent & their respective Counsels, read the papers, evidences & considered maturely the whole Do find that Joseph Southward & others of Little-Compton preferred their petition to the Court of General Sessions of the Peace of the County of Bristol held there September 1736 wherein they pray that Court to cause a way to be laid out across Barkers neck in Little Compton, if there was not a way between the two tier of lots on said neck and that the said Court thereon ordred three persons of the neighbouring towns take the said Petition & all matters relating thereto into their consideration & the necessity & conveniency of a Way across said neck, and we find that the said Committee not only report the Necessity of a Way across said neck but actually declare when and how the said Way should be laid out whereon the said Court Ordered a Warrant for the impannelling a jury &c to lay out a high way over said neck & estimate the damages &c which jury so did & made return of their doings which was rejected by the said Court, this Committee further Observe that about a year after a fresh application was made to the Court of General Sessions of the Peace A.D. 1738, for another jury but cannot find any order thereon yet a Warrant issues under the hand of the Clerk to the Sheriff directing him to summon a jury to lay out a high way across s<sup>d</sup> neck which was Accordingly done report made and after severell continuences accepted and an Open high way recorded across said Neck Altho such Open high way was not petitioned for or reported by the committee of the adjacent towns (who were also related nearly to some of the Petitioners) and the Courts being Adjourned without day, Whereby the whole was at end before the last warrant was issued: Upon the whole the Committee are of opinion that the Petition be granted the whole proceedings of the Court of General Sessions of the peace for the County of Bristol<sup>2</sup> held in June 1739 be declared irregular and be wholly set aside, And all other proceedings Subsequent thereunto be also null & void.

WM DUDLEY, by Order of the Committee.

Read and

*Ordered* that this Report be Accepted, And that the Prayer of the Said Petition be granted and the whole of the Proceedings of the Court of Gen<sup>l</sup> Sessions of the Peace for the County of Bristol in June 1739. relating to the Affair above mentioned be declared irregular and are hereby wholly Set aside, and all other proceedings Subsequent thereto, be & hereby are rendered null & void. [*Passed March 24.*

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (2), the date is March 22.

<sup>2</sup> *Sic.*



## CHAPTER 189.

ORDER OF NOTICE ON THE PET<sup>CON</sup> OF DIVERS INHAB<sup>T</sup> OF THE ELBOWS  
IN REGARD TO A TOWN MEETING.

A PETITION of Elisha Hall and others Inhabitants of the Plantation called the Elbows in the County of Hampshire; praying that the Votes and Orders pass'd at a meeting of the Inhabitants there on February 28<sup>th</sup> last, may be superseded, and that the Votes and Orders of the Inhabitants pass'd at their meeting on the fifth day of said month may be confirmed, and that two or more indifferent persons may be empowered to call M<sup>r</sup> Steward Southgate to an Account for the moneys he has received as Treasurer and to recover the Books and Papers committed to him as Clerk, & that the Inhabitants of said place may be invested with the Privileges of a Town.

Read &

*Ordered* that the Petitioners forthwith Serve Steward Southgate within named with a Copy of the Petition that he Shew Cause if any he have on Fryday the fourth of April next if the Court be then Sitting, if not on the Second Wednesday of the next May Session why the Prayer thereof Should not be granted. [*Passed March 24.*<sup>1</sup>

Legislative  
Records of the  
Council, xvii.  
(2), 274.  
Mass.  
Archives,  
cxiv., 507.

Mass.  
Archives,  
cxiv., 505.  
House Jour-  
nal, p. 242.  
*Ante*, p. 624,  
chap. 130.

## CHAPTER 190.

ORDER IMPOWERING A CORRECTION IN THE LIST OF NARRAGANSETT  
SOLDIERS.

A PETITION of Shubal Gorham Esq<sup>r</sup> Shewing that in the list taken of the Narraganset Soldiers, the Clerk by mistake entered Jonathan Lumber instead of Jedediah Lumber, also Samuel Cops instead of Samuel Cobb; Praying that those errors may be rectified.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the word Jonathan be and hereby is Eras'd and Jedediah inserted also the name of Samuel Cops be Eras'd and Samuel Cobb be inserted on said list. [*Passed March 25.*

Legislative  
Records of the  
Council, xvii.  
(2), 273.  
Mass.  
Archives,  
cxiv., 517.

Legislative  
Records of the  
Council, xvii.,  
Mis., 183.  
House Jour-  
nal, p. 243.  
*Ante*, p. 108,  
chap. 236.

## CHAPTER 191.

ORDER TO ASSESS AND LEVY A TAX OF TWO PENCE PER ACRE PER  
ANNUM FOR FIVE YEARS ON THE LANDS IN NISSITISSET.

*Ordered* that a Tax of two pence p<sup>r</sup> Acre per Annum for the Space of five Years next Ensuing be Levied and Assessed on all the Unimproved Lands (not being within lawful Fence) belonging to the Resident Proprietors of a Precinct within the Township of Dunstable commonly called Nissitisset, the Produce of the said Tax to be applied for the Support of the Ministry there. [*Passed March 25.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 181.  
Mass.  
Archives, xii.,  
140.

Mass.  
Archives,  
lviii., 315.  
Legislative  
Records of the  
Council,  
xvii. (2), 273.  
House Jour-  
nal, p. 239.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (2), the date is March 25.

## CHAPTER 192.

## ORDER IMPOWERING JOS. MALLINSON TO SURVEY AND LAY OUT 200 ACRES OF LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 275.  
Mass.  
Archives, lix.,  
315.

A PETITION of Joseph Mallison of Boston, Praying for some further relief from this Court, in consideration of the benefit accruing to the Province by his introducing the manufacture of Hollow Iron Ware, and also of his great poverty and old age.

Read and in answer thereto

Mass.  
Archives, lix.,  
314. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 1-1.  
House Jour-  
nal, pp. 241, 243.  
Province  
Laws, xi., 689,  
chap. 94.

*Ordered* that two Hundred Acres of the Unappropriated Lands of the Province adjoining to some former Grant be and hereby is given and Granted to the Pet<sup>r</sup> Joseph Mallinson his Heirs and Assigns, and that accordingly He be Allowed and Impowered by a Surveyor and Chain Men on Oath to lay out the Same and that He return a Plat thereof to this Court within twelve Months for confirmation. [*Passed March 25.*]

## CHAPTER 193.

## VOTE REMITTING THE CHARLESTOWN SCHOOL FARM TAXES.

Legislative  
Records of the  
Council, xvii.,  
Mis., 1-1.

Legislative  
Records of the  
Council,  
xvii. (2), 275.  
House Jour-  
nal, p. 239.  
*Supra*, chap.  
191.

*Voted* that the tax of two pence per Acre per Annum for five years on Charlestown School Farm (so called) within the precinct commonly called Nissitisset within the Township of Dunstable be remitted. [*Passed March 25.*]

## CHAPTER 194.

## ORDER OF NOTICE ON THE PETITION OF AUGUSTUS HALE FOR STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (2), 277.  
House Jour-  
nal, p. 242.

A PETITION of Augustus Hale, Administ<sup>r</sup> of the Estate of his late Father Arthur Hale dec<sup>d</sup> Shewing that before he could finish his Administration on the said Estate, (for the clearing of the debts of which he has laid out £250 of his money, the personal estate not being sufficient) his sister Kezia Stevens brought her ejectment for one fourth part of the Real Estate and has recovered Judgement therefor, at the Superior Court of Judicature now sitting in Boston, and is now taking out a Writ of Execution and will proceed to take out a Writ of Partition. And forasmuch as the Petitioner is proceeding with as much dispatch as he can, to get the said Estate settled by the Judge of Probate; therefore Praying that Execution may be staid till August next.

Read and

*Ordered* that the Petitioner forthwith serve Kezia Stevens within named with a Copy of this Petition, that she shew cause, if any she have, on Wednesday the Twenty Sixth current, why the prayer thereof should not be granted.<sup>1</sup> [*Passed March 25.*]

<sup>1</sup> At the hearing June 5, 1740, House Journal, p. 20, this petition was dismissed.

## CHAPTER 195.

## ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND GRANTED TO MR. JER. WISE.

A PLAT of Two Hundred Acres of Land laid out by Joseph Chadbourn Survey<sup>r</sup> and Chain men upon Oath, to satisfy a Grant made by this Court to M<sup>r</sup> Jeremiah Wise of Berwick; beginning at a Hemlock tree marked **I W**, which stands in the Line of the new Town above Berwick and is the South Corner of the land laid out to Cpt. John Wainwright dec<sup>d</sup>; thence running North and by East one hundred and fifty two poles; then South East and by South two hundred and eleven poles; then South West and by West one hundred and fifty two poles to the said new Township Line; then North West and by North two hundred and eleven Poles to the first Station; bounded on the North West by the land belonging to Cpt. Wainwrights Heirs, and on the South West by the line of the said new Town, and on the other sides by unappropriated land of the Province.

Read and

*Ordered* that this Plat be accepted, and the Lands therein delineated and described, be, and hereby are Confirmed to the said Jeremiah Wise his Heirs & assigns forever; provided the Plat exceeds not the quantity of the Grant, and does not interfere with any former Grant. [*Passed March 25.*]

Legislative  
Records of the  
Council,  
xvii. (2), 277.  
Maps and  
Plans, Mis.,  
xii., 20.

Maps and  
Plans, Mis.,  
xii., 20. Legis-  
lative Records  
of the Council,  
xvii., Mis., 180.  
House Jour-  
nal, p. 242.  
*Ante*, p. 536,  
chap. 141.

## CHAPTER 196.

## ORDER OF NOTICE ON THE BILLERICA PETITION TO SETTLE A BOUNDARY.

A PETITION of the Select Men of Billerica; Shewing that there have been divers Meetings between the Select men of Woburn and Billerica and Committees of the said Towns for perambulating the Dividing Lines between the said Towns, according to the directions of the law, but they could not agree upon the same; And therefore praying that this Court would appoint a Committee to state and settle the said Lines according to their ancient settlement.

Read and

*Ordered* that the Pet<sup>rs</sup> Serve the Select Men of the Town of Woburn with a Copy of this Petition that they shew cause (if any they have) on the first fryday of the next May Session Why the Prayer thereof should not be granted. [*Passed March 26.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (2), 272.  
Mass.  
Archives,  
cxiv., 544.

Mass.  
Archives,  
cxiv., 538-544.  
House Jour-  
nal, p. 235.

## CHAPTER 197.

ORDER DIRECTING JOHN CHANDLER ESQ<sup>R</sup> & W<sup>M</sup> LYON TRUSTEES TO STATE AND ACCOUNT FOR THEIR TRUST.

A MEMORIAL of John Chandler Esq<sup>r</sup> and M<sup>r</sup> William Lyon, Shewing that upon the Petition of Jonathan & Isaac Pegan, two of the Sons of Samuel Pegan of Dudley, Indian, dec<sup>d</sup> this Court gave liberty to sell sixty two Acres of Land belonging to his estate, and lying in the Town of Natick, empowering Edward Goddard and Francis Fulham Esq<sup>rs</sup> to

Legislative  
Records of the  
Council,  
xvii. (2), 278.  
Mass.  
Archives,  
xxxi., 267.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (2), the date is March 24.

Mass.  
Archives,  
xxxi., 265–270.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 183.  
House Jour-  
nal, p. 246.  
*Ante*, p. 208,  
chap. 190.

assist in the sale, the proceeds thereof to be put into the hands of the Petitioners, out of which the debts of the deceased were to be paid, and the remainder to be for the support of the said Jonathan and Isaac Pegan and the other Children; that the said land was sold for about Three Hundred and five pounds, of which the Memorialists have received two hundred and twenty six pounds, that the whole of the debts that appear amount to about one hundred and thirty pounds, so that there will be about One Hundred and Seventy Pounds remaining for the Heirs: Praying for the Order of this Court to direct them in what manner to dispose of the said money.

Read and in Answer to this Memorial

*Ordered* That the Memorialists be and hereby are impowered and directed, as Trustees for the Children within named, to State each ones proportion of their money which they now have in their hands, or may hereafter receive, agreeable to the Law of this Province for the Distribution of Intestate Estates: and that they let out their respective proportions on Interest upon good Security, and pay the Interest thereof to them annually as their Occasions call for it: And that the Memorialists be accountable to this Court for their Proceedings herein. [*Passed March 26.*<sup>1</sup>]

## CHAPTER 198.

### ORDER APPOINTING AN ADDITION TO THE COMMITTEE ON RHODEISL<sup>P</sup> BOUNDARY LINE.

Legislative  
Records of the  
Council, xvii.,  
Mis., 184.

*Ante*, p. 608,  
chap. 95.

*Ordered* that John Read & William Shirley Esq<sup>r</sup> be added to the Committee appointed by this Court<sup>2</sup> in January last to draw up a State of the Claims and demands of this Province as to the boundary line of the Colony of Rhode Island Eastward & to represent and appear for this Province before his Majesty's Commissioners appointed to hear & determine the controversy thereon: And that any five of the said Committee be a Quorum for the said Affair.<sup>3</sup> [*Passed March 27.*]

## CHAPTER 199.

### ORDER ON ROWL<sup>P</sup> HOUGHTONS PETITION IN REGARD TO A RETRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (2), 254,  
281. Mass.  
Archives, xli.,  
489.

Mass.  
Archives, xli.,  
487. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 187.  
House Jour-  
nal, pp. 225, 226,  
250.

A PETITION of Rowland Houghton of Boston Administ<sup>r</sup> of the Estate of John Wainwright late of Ipswich in the County of Essex Esq<sup>r</sup> dec<sup>d</sup> Shewing that the said John Wainwright and his brother Samuel Wainwright have had divers suits in the law against each other, and have both of them had Judgements in their favour, that in their several actions lying before the Superior Court of Judicature in the said County of Essex, they submitted all their differences (saving what might relate to the Estate of their Nephew John Wainwright dec<sup>d</sup>) to Referrees, according to a Rule of Court; on which the Referrees gave in their Report, which was continued from Term to Term till the said John Wainwright Esq<sup>r</sup> died, and then was drop'd and discontinued, because there was no Administrator of his Estate appointed. And therefore praying that the

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is March 25.

<sup>2</sup> No record appointing such a committee in January has been found. But see House Journal, p. 123 (September, 1739).

<sup>3</sup> Not found in the House Journal.



Justices of the said Superior Court may be impowered and directed to revive the Report of the said Referrees and to give Judgement thereupon, or that the several Appeals between the two Brothers may be tried by a Jury, or that the Petitioner may be otherwise relieved in the premisses as this Court shall think fit.

In Council Read, and It appearing that the adverse Party has been Served with a Copy of the Petition but no Answer given in

*Ordered* That the Prayer of the Petition be granted and That the Several Processes withinmentioned be and hereby are revived; and the Justices of the Superiour Court of Judicature are impowered, at their Session at Ipswich in May next, to hear and determine thereon as though No Such Dismission had happened as withinmentioned, and that the Petitioner Seasonably notifie the adverse Party of this order. [*Passed March 28.*]

## CHAPTER 200.

### ORDER IMPOWERING ABIG: WEBB TO SELL REAL ESTATE.

A PETITION of Abigail Webb, Widow and Administ<sup>r</sup> of the estate of Samuel Webb late of Charlestown in the County of Middlesex dec<sup>d</sup> Intestate; Shewing that he died seized of a Dwelling house, Bake house & sundry Mills with the land thereto belonging, situate in Charlestown aforesaid (which are ruinous and out of repair) with a Right in one of the new Townships, which is in danger of being forfeited for the non performance of the conditions of holding it; the said Estate being between Three and four hundred pounds in debt more than the personal estate will pay; therefore Praying that she may be impowered to sell the said Real Estate, which will be much for the Advantage of the Heirs.

Read and

*Ordered* that the prayer of the Pet<sup>r</sup> be granted and that the Pet<sup>r</sup> (attending the direction of the Law of this Province Impowering Exec<sup>rs</sup> and Adm<sup>rs</sup> to sell land and other real Estate) be and hereby is fully Authorized and Impowered to make Sale of the Real Estate within mentioned and to Execute in due form of Law a Deed or Deeds for conveyance thereof to any Person that shall give most for the Same, the Produce thereof to be dispos<sup>d</sup> of as follows viz. first for the Payment of the Just Debts of the Deceased, after which the Improvement And Income of One third part thereof to the Pet<sup>r</sup> for the term of her natural life she giving Bond with Sufficient Suretys to the Judge of Probate for the County of Middlesex that Her Exec<sup>rs</sup> or Adm<sup>rs</sup> shall at her Decease pay the principal Sum Which she recieves to the Children of the Dec<sup>d</sup> Or their Legal Representatives, the remainder thereof to and among the Children of the Deceased The Portion of Such of them as are Minors to be put into the hands of such Guardians as are or may be appointed by the Afores<sup>d</sup> Judge and by them to be let out on Interest for their benefit during their Minority, and the Principal to be paid them as they respectively arrive At age or are marryed and that the Widow's third part at the Expiration of her Term be alike distributed as afores<sup>d</sup> And whereas One of the Children of the s<sup>d</sup> Dec<sup>d</sup> is of Age it is intended that she shall immediately after the Sale and Settlement of the Estate have and Enjoy her part and portion. [*Passed March 28.*]

Legislative  
Records of the  
Council,  
xvii. (2), 281.  
Mass.  
Archives,  
xvii., 688.  
Mass.  
Archives,  
xvii., 687, 689.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 187.  
House Jour-  
nal, pp. 232, 233,  
250, 251. Prov-  
ince Laws, ii.,  
151, chap. 10.



## CHAPTER 201.

ORDER FOR A MEETING OF THE INHAB<sup>S</sup> OF COLD SPRING.

Legislative  
Records of the  
Council, xvii.,  
Misc., 186.  
Mass.  
Archives, cxi.,  
cxiv., 518.

Legislative  
Records of the  
Council,  
xvii. (2), 283.  
House Jour-  
nal, pp. 182, 190,  
250. *Ante*, p.  
538, chap. 145.

*Voted* that John Smith one of the Principal Inhabitants of the Plantation called Cold Spring<sup>1</sup> Notifye and Warn the Inhabitants and Residents there that they Assemble together at such time and place as He shall appoint and being so Assembled they be hereby Ordered to chuse a Moderator Clerk &c and also three or five Suitable Persons as a Comm<sup>ee</sup> and a Collector or Collectors, which Comm<sup>ee</sup> shall also be Assessors to Tax the Settlers in said Place so much Money as the Said Inhabitants Shall agree upon towards the Support of their Minister and other necessary and Prudential Affairs in said Place and so from time to time as there shall be Occasion Attending the Gen<sup>l</sup> Laws of the Government<sup>2</sup> for the Same, and the said Comm<sup>ee</sup> to call Meetings for the future as Precincts Committees by Law are Enabled to do. [*Passed March 28.*]

## CHAPTER 202.

## ORDER IN REGARD TO THE REPORT ABOUT THE PROJECTIONS FOR ISSUING NOTES OF HAND AND DEFERRING ACTION THEREON.

Legislative  
Records of the  
Council, xvii.,  
Misc., 185.  
Mass.  
Archives, cii.,  
38.

Mass.  
Archives, cii.,  
37. Legislative  
Records of the  
Council,  
xvii. (2), 283.  
House Jour-  
nal, p. 249.  
*Ante*, p. 652,  
chap. 180.

THE COMMITTEE appointed to inquire into the divers projections laid by private persons for emitting Notes of hand as a Medium of Trade & Commerce between Man & Man, have attended that Service And the Committee having had a Scheme laid before them by John Colman Esq<sup>r</sup> and Three hundred ninety five others for Emitting One hundred & fifty thousand pounds Notes of Hand on Land security, to pass in all payments and Business as equal to lawfull money, And at the expiration of Twenty years to be redeemed by Sundry Commoditys thereon enumerated Are of Opinion

That the Notes thereby proposed to be issued are upon so slender a foundation, that the circulation of them among the people of this Province may have a great tendency to depreciate the Bills of Credit already circulating and consequently endamage his Majesty's good Subjects as to their propertys.

The Committee having had also a Scheme laid before them by Edward Hutchinson Esq<sup>r</sup> and about One hundred and Six Others for emitting One hundred and twenty thousand Pounds in Notes Redeemable by Silver Money at twenty Shillings *pro* Ounce in fifteen years, and by Gold Coin *pro* *ratio*<sup>2</sup> Are of Opinion, that altho' some such Projection may be serviceable Unless a better medium of Commerce may be found for the People of this Province under their present distressing circumstances, yet they apprehend it most Convenient that all further proceedings therein be stayed, untill this Court may again meet. And further consider of that Affair.

In the name & by Order of the Committee JOHN JEFFRIES

Read and

*Voted* that John Colman Esq<sup>r</sup> and others, and Edward Hutchinson Esq<sup>r</sup> and others be and hereby are Strictly forbidden Issuing any Notes of Hand or Bills in pursuance of, or any further Proceedings relating to, their beforementioned Schemes or Projections till the Session of this Court in May next. And the further consideration of the Affairs are referred to that time Accordingly. [*Passed March 28.*]

<sup>1</sup> This plantation became Belchertown.

<sup>2</sup> *Sic.*

## CHAPTER 203.

ORDER IMPOWERING JOHN CUSHING ESQ<sup>R</sup> AND ISAAC LOTHROP TO  
COMPLETE A SALE OF REAL ESTATE.

A PETITION of John Cushing Esq<sup>r</sup> Shewing that he, together with Isaac Lothrop Esq<sup>r</sup> and Coll. John Alden, were impowered by this Court to sell certain parcels of land lying within the County of Plymouth, which were mortgaged to the Commissioners of the £100,000 Loan in the County of Essex and forfeited to the Province; that they proceeded to dispose of some of the said Land, but by reason of the death of the said Coll. Alden they are not able to proceed further in the said business; Praying that this Court would appoint some person for that affair in the room of Coll. Alden deceased.

Read and

*Ordered* That the Memorialist, together with Isaac Lothrop Jun<sup>r</sup> Esq<sup>r</sup> be and hereby are fully authorised and impowered to pursue and finish the Affair within mentioned to all Intents and Purposes whatsoever. [*Passed March 28.*]

Legislative  
Records of the  
Council, xvii.  
(2), 285.  
Mass.  
Archives,  
xlvii., 109.

Legislative  
Records of the  
Council, xvii.,  
Mis., 186.  
House Jour-  
nal, pp. 249, 250.  
*Ante*, p. 219,  
chap. 217.

## CHAPTER 204.

ORDER OF NOTICE ON THE PETITION OF THO<sup>S</sup> GILBERT & OTHERS  
IN REGARD TO OBSTRUCTIONS IN THE CHICOPEE RIVER.

ON THE PETITION of Thomas Gilbert of Brookfield in the County of Worcester, and Others. [*ante*, p. 579, chap. 23]

Read and

*Ordered* that this Petition be revived and that the Pet<sup>rs</sup> serve the Town of Springfield with a Copy of this Petition that they shew cause (if any they have) on the first fryday of the next May Session Why the Prayer thereof should not be granted. [*Passed March 28.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 184.  
Mass.  
Archives,  
lxxxvii., 397.

Mass.  
Archives,  
lxxxvii., 395.  
Legislative  
Records of the  
Council,  
xvii. (2), 285.  
House Jour-  
nal, p. 237.  
*Ante*, p. 579,  
chap. 23.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1740-41.





# LEGISLATIVE LIST<sup>1</sup>

FOR

1740-41.

HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

SIMON FROST, Esq.,  
DEPUTY SECRETARY.

## COUNCILLORS OR ASSISTANTS.<sup>2</sup>

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

JOHN TURNER	}	ESQRS.
EDWARD HUTCHINSON		
WILLIAM DUDLEY		
JONATHAN REMINGTON		
JOHN OSBORNE		
EBENEZER BURRILL		
EZEKIEL LEWIS		
FRANCIS FOXCROFT		
JOSIAH WILLARD		

JACOB WENDELL	}	ESQRS.
ANTHONY STODDARD		
SAMUEL WELLES		
THOMAS BERRY		
JOSEPH WILDER		
BENJAMIN LYNDE		
RICHARD BILL		
SAMUEL DANFORTH		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

JOHN CUSHING, NATHANIEL HUBBARD & SHUBAL GORHAM, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine;*

WILLIAM PEPPERIL, JEREMIAH MOULTON & SAMUEL CAME, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN JEFFRIES, Esq.

<sup>1</sup> See Legislative Records of the Council, xvii. (2), 290-295.

<sup>2</sup> Paul Dudley of Massachusetts Bay and Isaac Little of New Plymouth, elected by the House of Representatives as Councillors, were rejected by the Governor.

*For the Province, at large: —*

DANIEL RUSSEL &amp; WILLIAM BROWN, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 28, 1740 to April 25, 1741.*

MR. JOHN QUINCY, SPEAKER.

## COUNTY OF SUFFOLK.

*Boston*, . . . Mr. Thomas Cushing.  
                   Mr. Thomas Hutchinson,  
                   Mr. Edward Bromfield,  
                   Mr. James Allen.  
*Roxbury*, . . . Paul Dudley, Esq.  
*Dorchester*, . . . Capt. Thomas Wiswall.  
*Milton*, . . . Mr. Benjamin Sumner.  
*Braintree*, . . . John Quincy, Esq.  
*Weymouth*, . . . Capt. Adam Cushing.  
*Hingham*, . . . Mr. Jacob Cushing.  
*Dedham*, . . . John Metcalf, Esq.  
*Medfield*, . . . Mr. Jonathan Plimpton.  
*Wrentham*, . . . Capt. James Blake.  
*Needham*, . . . John Fisher, Esq.  
*Stoughton*, . . . Mr. Ralph Pope.  
*Chelsea*, . . . Samuel Watts, Esq.

## COUNTY OF ESSEX.

*Salem*, . . . Benjamin Brown, Esq.,  
                   Mr. Thomas Lee.  
*Ipswich*, . . . Ammi Ruhumah Wise, Esq.,  
                   Richard Rogers, Esq.  
*Newbury*, . . . Henry Rolfe, Esq.  
*Lynn*, . . . Mr. Thomas Cheever.  
*Gloicester*, . . . Epes Sergeant, Esq.  
*Marblehead*, . . . James Skinner, Esq.  
*Rowley*, . . . Mr. John Northern.  
*Salisbury*, . . . Capt. Jeremiah Stevens.  
*Haverhill*, . . . Mr. Nathaniel Peaslee.  
*Andover*, . . . Mr. Timothy Johnson.  
*Beverly*, . . . Robert Hale, Esq.  
*Topsfield*, . . . Mr. Nathaniel Boardman.  
*Wenham*, . . . Mr. William Fairfield.  
*Amesbury*, . . . Mr. Thomas Rowell.  
*Bradford*, . . . Mr. Richard Bailey.  
*Boxford*, . . . Mr. Benjamin Porter.  
*Middleton*, . . . Mr. Timothy Fuller.

## COUNTY OF MIDDLESEX.

*Cambridge*, . . . Mr. John Vassal.  
*Charlestown*, . . . Thomas Greaves, Esq.  
*Watertown*, . . . Mr. Jonas Bond.

COUNTY OF MIDDLESEX — *Concluded.*

*Woburn*, . . . Mr. Rowland Cotton.  
*Concord*, . . . Mr. Chambers Russel.  
*Newton*, . . . Samuel Jackson, Esq.  
*Sudbury*, . . . Ephraim Curtis, Esq.  
*Marlboro'*, . . . Samuel Brigham, Esq.  
*Groton*, . . . Mr. John Langley.  
*Frammingham*, . . . Joseph Buckminster, Jr.,  
   Esq.  
*Chelmsford*, . . . Mr. Jonathan Barron.  
*Sherburn*, . . . John D'Aeth, Esq.  
*Billerica*, . . . Mr. Jacob French.  
*Reading*, . . . Capt. Samuel Bancroft.  
*Malden*, . . . Mr. John Wilson.  
*Lexington*, . . . Mr. Joseph Fasset.  
*Medford*, . . . Mr. John Willis.  
*Dunstable*, . . . Joseph Blanchard, Esq.  
*Hopkinton*, . . . John Jones, Esq.  
*Westford*, . . . Capt. Thomas Read.  
*Waltham*, . . . Mr. John Cutting.  
*Townshend*, . . . Capt. John Stevens.  
*Weston*, . . . Mr. Joseph Livermore.

## COUNTY OF HAMPSHIRE.

*Springfield*, . . . William Pyncheon, Jr., Esq.  
*Northampton*, . . . Ebenezer Pomroy, Esq.  
*Hadley*, . . . Eleazar Porter, Esq.  
*Hatfield*, . . . Capt. Oliver Patridge.  
*Westfield*, . . . Capt. John Gunn.  
*Enfield*, . . . Mr. Thomas Jones.  
*Suffield*, . . . Mr. Jonathan Shelden.  
*Deerfield*, . . . Mr. Ebenezer Hinsdale.  
*Brimfield*, . . . John Sherman, Esq.

## COUNTY OF WORCESTER.

*Worcester*, . . . John Chandler, Jr., Esq.  
*Lancaster*, . . . Samuel Willard, Esq.  
*Mendon*, . . . Mr. Edmund Morse.  
*Brookfield*, . . . Capt. Josiah Converse.  
*Sutton*, . . . Mr. Elisha Putnam.  
*Southboro'*, . . . Mr. Samuel Lyscomb.  
*Shrewsbury*, . . . Nahum Ward, Esq.  
*Lunenburg*, . . . Mr. John Grout.

COUNTY OF WORCESTER—*Concluded.*

*Leicester*, . . . Capt. Christopher Jacob  
Laughton.  
*Uxbridge*, . . . Mr. Solomon Wood, Jr.  
*Upton*, . . . Capt. John Hazeltine.  
*Harvard*, . . . Mr. Peter Atherton.

COUNTY OF PLYMOUTH.

*Plymouth*, . . . James Warren, Esq.  
*Scituate*, . . . Mr. Nicholas Litchfield.  
*Marshfield*, . . . John Winslow, Esq.  
*Bridgewater*, . . . Capt. Josiah Edson.  
*Middleboro*, . . . Elkanah Leonard, Esq.  
*Rochester*, . . . Mr. John Freemaun.  
*Plympton*, . . . Mr. William Churchill.  
*Pembroke*, . . . Isaac Little, Esq.  
*Kingstone*, . . . Capt. Gershom Bradford.

COUNTY OF BARNSTABLE.

*Barnstable*, . . . Shubal Gorham, Esq.  
*Yarmouth*, . . . Mr. Thomas Hallet.  
*Sandwich*, . . . Mr. Timothy Ruggles.  
*Eastham*, . . . William Payne, Esq.  
*Harwich*, . . . Mr. Chillingworth Foster.  
*Falmouth*, . . . Seth Parker, Esq.

COUNTY OF BRISTOL.

*Bristol*, . . . Stephen Payne, Esq.  
*Taunton*, . . . Capt. James Leonard.  
*Rehoboth*, . . . Mr. Joseph Peck.  
*Swansey*, . . . Mr. William Anthony.  
*Little Compton*, William Hall, Esq.  
*Tiverton*, . . . Job Almy, Esq.  
*Dartmouth*, . . . Mr. William Hix.  
*Norton*, . . . George Leonard, Esq.  
*Attleboro*, . . . Mr. John Robins.  
*Dighton*, . . . Mr. Josiah Talbot.

COUNTY OF YORK.

*York*, . . . Mr. Richard Milberry.  
*Kittery*, . . . Richard Cutt, Jr., Esq.  
*Wells*, . . . John Storer, Esq.  
*Berwick*, . . . Humphrey Chadborn, Esq.  
*Falmouth*, . . . Mr. Samuel Moody.  
*Biddeford*, . . . John Gray, Esq.  
*Scarboro*, . . . Mr. Samuel Small.

DUKES COUNTY.

*Edgar Town*, . Mr. John Norton.

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . George Bunker, Esq.<sup>1</sup>

<sup>1</sup> The House Journal omits the name of George Bunker, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1740.

## CHAPTER 1.

ORDER GRANTING A BOUNTY TO ENCOURAGE SOLDIERS TO ENLIST IN  
THE EXPEDITION AGAINST THE SPANIARDS.

*Ordered* that a Bounty or Premium be paid out of the publick Treasury to each effective able bodied man who shall enlist him self to serve as a soldier in the designed Expedition to the Spanish West Indies: That the said Bounty be Five pounds in Bills of the Old Tenour, or One Pound thirteen shillings and four pence in Bills of the New Tenor: That the said Bounty be paid immediately after the arrival of His Majestys Commissions & Regular Companies being formed; That a good convenient blanket be delivered to each Soldier on their embarking, for their proper use and service; That the sum of Fifty Pounds in Bills of the Old Tenour or Sixteen Pounds thirteen shillings and four pence in Bills of the New Tenour be given to the Captain of each Company to provide necessary stores for the soldiers of his Company in their voyage. [*Passed May 30.*]

Legislative  
Records of the  
Council,  
xvii. (2), 298.

Legislative  
Records of the  
Council,  
xvii. (2), 296.  
House Jour-  
nal, p. 11.  
Province  
Laws, ii., 1013,  
1061.

## CHAPTER 2.

ORDER REFERRING THE PETITION OF DAVID HOW AND OTHERS OF  
MARLBORÔ &c TO BE MADE A SEPARATE TOWNSHIP.

ON THE PETITION of David How, William Brentnal and John Weeks,  
Inhabitants of the Towns of Marlborô, Sudbury and Stow; [*ante*, p. 653,  
chap. 182]

Read and

*Ordered* that the Consideration of this Petition be referr'd to the first  
Thirsday<sup>1</sup> of the Next Fall Session of this Court, that so the Parties may  
agree upon the Matters contain'd therein in the mean time. [*Passed  
May 31.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xvii. (2), 303.  
Mass.  
Archives, xli,  
139.

Mass.  
Archives, xli.,  
134-139, 158.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 188.  
House Jour-  
nal, p. 12.  
*Ante*, p. 653,  
chap. 182.

## CHAPTER 3.

ORDER IMPOWERING W<sup>m</sup> LEIGHTON TO ENTER AN ACTION DE NOVO.

ON THE PETITION of William Leighton, of Kittery in the County of  
York, Gentleman. [*ante*, p. 655, chap. 187]

Read together with the Answer of Paul Gerrish Esq<sup>r</sup> & Mary his

Legislative  
Records of the  
Council, xvii.,  
Mis., 188.  
Mass.

<sup>1</sup> The House Journal, p. 12, reads, "Tuesday."

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is June 1.



Archives,  
xvii., 677.

Mass.  
Archives,  
xvii., 675–684.  
Legislative  
Records of the  
Council,  
xvii. (2), 305.  
House Jour-  
nal, p. 21.  
*Ante*, p. 655,  
chap. 187.

Wife with divers Evidences & other papers in the Case and the Matter being considered;

*Ordered* that the Prayer of the Petition be granted and that the Judgment within mentioned be & hereby is Superseded; and the Petitioner is allowed & impowered to enter the Said Action De Novo at the Next Infer<sup>r</sup> Court of Common Pleas to be holden at York for the County of York on the first Tuesday of July next, and the Justices of the Said Court are hereby impowered & directed to hear & try the Said Action Enter up Judgment & award Execution Accordingly the Default within mentioned Notwithstanding; provided the Petitioner pay to the Respond<sup>t</sup> all the Charges heretofore arisen on the Said Action; And give Notice to them of this Order fourteen Days at least before the Sitting of the Said Court; And Execution within mentioned is hereby Staid in the Mean time. [*Passed June 5.*]

## CHAPTER 4.

ORDER OF NOTICE ON THE PETITION OF THE INHABITANTS OF THE SO. WEST PART OF NORTHAMPTON TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (2), 305.  
Mass.  
Archives, xii.,  
151.

Mass.  
Archives, xii.,  
150–154, 157, 158.  
House Jour-  
nal, pp. 19, 20.

A PETITION of David Burt and others, Inhabitants of the South Westerly part of the Town of North Hampton, Shewing that they live about eight miles from the place of publick Worship in said Town, that they settled there under encouragement of being set off a separate Precinct, and that the Town has now Voted to dismiss them; Praying that this Court would set them off a separate Precinct, according to the Bounds stated in said Vote.

Read together with the Vote refer<sup>d</sup> to in the Petition, and thereupon

*Ordered* that the Pet<sup>rs</sup> serve the Non Resident Prop<sup>rs</sup> within the bounds mentioned in said Vote with a Copy of this Pet<sup>n</sup> that they Shew cause (if any they have) on the first fryday of the next Session of this Court Why the prayer there of should not be granted, and the Pet<sup>n</sup> is referred for Consideration in the Mean time. [*Passed June 5.*]

## CHAPTER 5.

ORDER GRANTING THE PETITION OF WM LYNDE & OTHERS FOR ABATEMENT OF DUTY ON MERCHANDISE.

Legislative  
Records of the  
Council,  
xvii. (2), 306.  
Mass.  
Archives,  
lxiii., 584.

Mass.  
Archives,  
lxiii., 583–585.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 189.  
House Jour-  
nal, pp. 19, 20.

A PETITION of William Lynde, Samuel Gardner and Stephen Higginson all of Salem; Shewing that they enter'd at the Impost Office forty seven hogsheads of Rum imported in the Schooner America, and landed the same for the conveniency of graving and refitting the said vessel, & then sent seventeen hogsheads thereof in the same Scooner to Maryland; praying that they may have remitted to them the duty of Impost on the said seventeen Hogsheads of Rum.

Read and

*Ordered* that the Prayer of the Petition be granted and the Impost Officer for the Port of Salem is hereby directed and Ordered to Abate to the Pet<sup>rs</sup> the duty by Law arising on the Importation of the Seventeen Hogsheads of Rum Mentioned in the Within Pet<sup>n</sup>. [*Passed June 5.*]

## CHAPTER 6.

ORDER ON THE PET<sup>ON</sup> OF ELISHA HALL & OTHERS IN REGARD TO PROCEEDINGS AT THE TOWN MEETINGS AT THE ELBOWS.

ON THE PETITION of Elisha Hall and Others Inhabitants of the Plantation called the Elbow in the County of Hampshire. [*ante*, p. 657, chap. 189]

Read together with the Answer of Steward Southgate, And the Matter being fully considered;

*Ordered* that the Prayer of the Petition be so far granted as that the Meeting of the Proprietors of the Plantation commonly called the Elbows held the fifth Day of Febr<sup>y</sup>. last (agreeable to the Order of this Court) & the Votes, Elections & other Proceedings therein be & hereby are ratified & confirmed; & that the Meeting held the twenty eighth of the said Month & all the Proceedings therein be & hereby are declared null & void; And that the Respondent do forthwith deliver up to the Person chosen Proprietors Clerk at the said Meeting of the fifth of Febr<sup>y</sup>. all the Books Papers & Writings in his Hands as Propriet<sup>rs</sup> Clerk, & also that he forthwith deliver to the Person chosen Collector or Treasurer of the said Proprietors all the Moneys he has received as Collector or Treasurer & for which he has as yet no lawful Discharge. [*Passed June 7.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 191.  
Mass.  
Archives,  
cxiv., 507.

Mass.  
Archives,  
cxiv., 505.  
Legislative  
Records of the  
Council,  
xvii. (2), 308.  
House Jour-  
nal, p. 23.  
*Ante*, p. 657,  
chap. 189.

## CHAPTER 7.

ORDER ERECTING THE LANCASTER NORTH WEST INHAB<sup>S</sup> INTO A TOWNSHIP AND ASSESSING A TAX.

A PETITION of Gershom Houghton, William Whetcomb and others, Inhabitants of the North Westerly part of Lancaster; Setting forth their great distance from the body of the Town, by which they are under great difficulties to attend the Publick Worship of God and other duties there, And therefore praying that they may be made a separate Township.

Read and

*Voted* that the petition be revived and the Prayer thereof granted, & the Petitioners are hereby allowed and inpowered to prepare and bring in a Bill for incorporating said Lands into a separate and distinct Township accordingly, agreeable to the Vote of the Town of Lancaster pass'd the eleventh of February 1736/7. and that the Lands of the resident and non resident Proprietors lying within said Township be assessed at one peny per Acre in new Tenor Bills, towards building a Meeting House and settling and maintaining a Minister there, for the space of three years. [*Passed June 9.*]

Legislative  
Records of the  
Council,  
xvii. (2), 63,  
310.

House Jour-  
nal, p. 57  
(June, 1739);  
p. 20.  
Province  
Laws, ii., 1023,  
chap. 7.

## CHAPTER 8.

VOTE FOR CELEBRATING THE ANNIVERSARY OF HIS MAJESTYS ACCESSION TO THE THRONE.

WHEREAS To Morrow the eleventh Currant will be the happy Anniversary of <sup>1</sup> the Accession of His Majesty King George the Second to the Crown of Great Britain:

Legislative  
Records of the  
Council,  
xvii. (2), 311.

<sup>1</sup> *Sic.*

House Jour-  
nal, p. 31.

*Voted* that the same be celebrated in the Court House on that Day, and that the Door Keeper be directed to acquaint the Sextons of the several Churches in Boston it is the desire of this Court that the Bells may be rung out on that joyful Occasion. [*Passed June 10.*]

## CHAPTER 9.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF BENJ<sup>N</sup> & ELIS<sup>B</sup> BAGNAL.

Legislative  
Records of the  
Council,  
xvii. (2), 312.  
Mass.  
Archives,  
xvii., 706.

Mass.  
Archives,  
xvii., 705.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 192.  
House Jour-  
nal, p. 30.  
Province  
Laws, x., 612,  
chap. 97.

A PETITION of Benjamin Bagnal and Elisabeth his Wife, shewing that upon their former Petition in conjunction of Thomas Edwards and Sarah his Wife (which Elisabeth and Sarah were Coheirs of Elisabeth Sharp late of Cambridge dec<sup>d</sup>) this Court did in the year 1725. take off the Entail on certain lands bequeath'd to the said Elisabeth and Sarah by their said Grandmother Elisabeth Sharp; provided the produce of the said Land be vested in some other real estate of equal value under the same entail; and appointed Jonathan Dowse, Jonas Bond and Andrew Boordnan Esq<sup>rs</sup> a Committee to value the said lands and see that the conditions be performed: That the said Estate is sold and the produce vested in other real Estate, but forasmuch as the said Jonas Bond Esq<sup>r</sup> died before the purchase was made, and the other two Gentlemen are advanced in years and under bodily indisposition; Therefore praying that some other meet persons may be appointed in the said business.

In Council

Read &

*Ordered* that the Prayer of the Petition be granted, & that Francis Foxcroft Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Rep<sup>res</sup> be a Committee (in the room of the former Committee) for the Service above mention'd.

In the House of Rep<sup>res</sup>

Read and Conen'd and Thomas Greaves Esq<sup>r</sup> and M<sup>r</sup> John Vassall are Joyned in the Affair. [*Passed June 10.*]

## CHAPTER 10.

### ORDER IMPOWERING SAMUEL AND SARAH JAMES, INDIANS, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 312.  
Mass.  
Archives,  
xxxi., 285.

Legislative  
Records of the  
Council, xvii.,  
Mis., 192.  
House Jour-  
nal, p. 29.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Samuel James of Bridgewater, Indian, and Sarah his wife, praying for liberty from this Court to sell one quarter part of a Seventy Acre Lot of Land in Little Compton, which by reason of their distance from it, is of small profit, and may be sold to good advantage.

In the House of Rep<sup>res</sup>

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted And the Pet<sup>r</sup> is hereby allowed and Impowered to make sale of the land mentioned in the Pet<sup>n</sup> for the Most the Same will fetch in proceeding herein to Observe the Rules and Directions in the Act of the Province of the 6<sup>th</sup> Year of the Reign of his late Majesty King George Cap<sup>t</sup> 3<sup>d</sup> Relating to Real Estates and William Hall Esq<sup>r</sup> with Such as shall be Join'd by the Hon<sup>ble</sup> Board are hereby desired and Impowered to be aiding and assisting the Pet<sup>r</sup> and See Justice done him in the Premisses The Proceeds thereof to be

applied towards purchasing Land in Bridgwater more convenient for him They to render an Acc<sup>t</sup> of their Proceedings herein to this Court.

In Council

Read and Concurr'd and John Cushing Esq<sup>r</sup> is join'd in the affair.  
[*Passed June 10.*]

## CHAPTER 11.

ORDER OF NOTICE, ON THE PETITION OF NOAH ASHLEY AND OTHERS OF BROOKFIELD &<sup>c</sup> TO BE ERECTED INTO A SEPARATE TOWNSHIP.

A PETITION of Noah Ashley and a considerable number of others, Inhabitants of the Towns of Brookfield, Brimfield and Kingsfield; Setting forth their great distance from the places of publick Worship there, and that they have supported a Minister among them for some time; And therefore Praying that they may be set off from those places, and erected into a separate Township and that a Committee may be appointed to delineate and set out their Bounds.

Legislative  
Records of the  
Council,  
xvii. (2), 317.  
House Jour-  
nal, pp. 29, 36.

Read and

*Ordered* that the Petitioners serve the Towns of Brookfield, Brimfield and Kingsfield with a Copy of this Petition, that they shew cause if any they have on the First Thursday of the next Sitting of this [Court]<sup>1</sup> why the Prayer thereof should not be granted. [*Passed June 12.*]

## CHAPTER 12.

ORDER IMPOWERING JOHN WANSQUAM, INDIAN, TO SELL LAND.

A PETITION of John Wansquam of Natick, Indian, praying for liberty from this Court with direction of a Committee of the Court to sell twenty two Acres of his land there, the Produce thereof to be laid out for the building him a small house and purchasing such necessaries as may be for the more comfortable living of himself and his Wife.

Legislative  
Records of the  
Council,  
xvii. (2), 319.  
Mass.  
Archives,  
xxx. 1., 255.

In the House of Rept<sup>ves</sup>

Read and

*Ordered* that the within Pet<sup>n</sup> be revived and the Prayer thereof granted And the Pet<sup>r</sup> is hereby Allowed and Impowered to Make Sale of Twenty two Acres of Land and Meadow within mentioned for the Most the Same will fetch and to pass and Execute in due form of Law a good Deed of Sale thereof to the Person purchasing the Same and in proceeding therein to Observe the Rules and Directions in the Act of the Province of the Sixth Year of the Reign of his late Majesty King George Cap: 3. relating to the Sale of Real Estates: and M<sup>r</sup> Joseph Livermore, with Such as shall be Joyned by the Hon<sup>ble</sup> Board are hereby desired and Impowered to be Aiding and Assisting the Pet<sup>r</sup> and See Justice done him in the Sale of the Premises, and that the Proceeds thereof be duely and truly Applied for and towards the building and Finishing a Convenient House or Wigwam for the Pet<sup>r</sup>; and if any Surplusage should remain that they Disburse the Same for the Use of the Pet<sup>r</sup> for his and his Familys Support as Occasion may call for and they to Render an Acc<sup>t</sup> of their proceedings herein to this Court.

Mass.  
Archives,  
xxx. 1., 254.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 200; *ibid.*,  
xvii. (2), 171.  
House Jour-  
nal, p. 159  
(December,  
1739); p. 38.  
Province  
Laws, ii., 151,  
chap. 10.

In Council

Read & Concurr'd, and Francis Foxcroft Esq<sup>r</sup> Esq<sup>r</sup><sup>2</sup> is joined in the Affair. [*Passed June 13.*]

<sup>1</sup> Inserted from the House Journal, p. 29.

<sup>2</sup> *Sic.*



## CHAPTER 13.

## ORDER DIRECTING REPAIRS TO BE MADE TO THE WHARF ON BEACON ISLAND.

Legislative  
Records of the  
Council,  
xvii. (2), 315.  
Mass.  
Archives,  
lxiii., 586.

Mass.  
Archives,  
lxiii., 587.  
Legislative  
Records of the  
Council,  
xvii. (2), 319.  
House Jour-  
nal, pp. 29, 30,  
35.

A MEMORIAL of Robert Ball, Keeper of the Light House on Beacon Island ; setting forth the damages that have bin done to the Wharves there in some late storms ; praying that Orders may be given for Repairs.

In the House of Rep<sup>res</sup>

Read and in answer to the within Mem<sup>o</sup>

*Ordered* that the Old Wharffe at the light House be repaired in Such places where it may be Needful.

That the Boxes be filled with Stones and the Rolling Damms on Each Side of the Wharfe have an Addition of Stones so as well to Secure said Wharffes.

And that M<sup>r</sup> Edward Bromfield and M<sup>r</sup> Tho<sup>s</sup> Hutchinson with Such as Shall be Joyned by the Hon<sup>ble</sup> Board be a Committee to See that the Same be Speedily Effectd

In Council

Read and Concurred and William Dudley and Samuel Welles Esq<sup>rs</sup> are joined in the affair. [*Passed June 14.*<sup>1</sup>

## CHAPTER 14.

## ORDER ON THE PETITION OF EPHRAIM FOSTER AND OTHERS OF ANDOVER, TO BE ANNEXED TO THE TOWN OF BOXFORD.

Legislative  
Records of the  
Council,  
xvii. (2), 320.  
Mass.  
Archives,  
cxiv., 523.

Mass.  
Archives,  
cxiv., 522–524.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 193.  
House Jour-  
nal, pp. 27, 38.

A PETITION of Benjamin Porter, Representative of the Town of Boxford, in behalf of Ephraim Foster, Joseph Robinson, Samuel Sessions, John Foster, Joseph Robinson Jun<sup>r</sup> David Foster, Moses Foster and Timothy Sessions, all Inhab<sup>s</sup> of the North Parish in Andover ; Shewing that they have obtained a Vote of their own Parish and of the North Parish in Boxford to be set off to the said North Parish in Boxford under certain Restrictions in the said Votes expressed ; Praying for the Order of this Court to confirm the said Votes and set them off accordingly.

Read and

*Ordered* that the Prayer of the Petition be granted And Ephraim Foster Joseph Robinson Samuel Sessions John Foster David Foster Moses Foster Joseph Robinson Jun<sup>r</sup> and Timothy Sessions with their Families And Estates be and they hereby are Sett off from the North Parish in Andover to the North Parish in Boxford there to do duty and recieve Priviledge Accordingly ; Subjected nevertheless to Such Restrictions and Limitations as are Expressed in the Respective Votes of Each Parish. [*Passed June 14.*<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis. ; according to Legislative Records of the Council, xvii. (2), the date is June 13.



## CHAPTER 15.

## ORDER FOR MAKING £6,000 IN BILLS OF THE OLD TENOR TO EXCHANGE FOR TORN AND DEFACED BILLS OF NEW TENOR.

*Ordered* that the Committee of this Court for signing the Publick Bills of Credit be and hereby are impowered and directed to cause to be imprinted and struck off Six Thousand Pounds of the Bills of the Old Tenour of the lowest Plate; that the Bills be signed by two of the Committee with all convenient speed, and as soon as the same are signed and perfected, to deliver them to M<sup>r</sup> Treasurer, taking his receipt for them. M<sup>r</sup> Treasurer is hereby ordered and directed to exchange them for new Tenour torn and defaced Bills in proportion as three to one. [*Passed June 14.*]

Legislative  
Records of the  
Council,  
xvii. (2), 322.

House Jour-  
nal, p. 39.  
*Ante*, p. 353,  
chap. 212.

## CHAPTER 16.

## ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE SETTLERS AT PAQUOIAG.

A PETITION of Richard Morton and others, Inhabitants of a new Township granted by the General Court commonly called Paquoiaq; Shewing that the Grantees were obliged to have sixty families on the spot and to perform the other conditions of the Grant before this day, and yet there is but Fourteen Families settled on the place, that the Petitioners are under great discouragements for want of the Publick Worship of God (which they are not able to support of themselves) and by reason of their exposed condition in case of a war; and praying for some relief from this Court.

Read and

*Ordered* that Col Dudley Col Epes and Col Chandler be a Comm<sup>ee</sup> to Inquire How far the Settlers have complied with their Obligations and Report what they think proper for this Court to do thereon. [*Passed June 14.*]

Legislative  
Records of the  
Council,  
xvii. (2), 322.  
Mass.  
Archives,  
cxiv., 527.

Mass.  
Archives,  
cxiv., 526.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 200.  
House Jour-  
nal, p. 14.  
Province  
Laws, xi., 701,  
chap. 125.

## CHAPTER 17.

ORDER IMPOWERING SAMUEL AND EBEN<sup>s</sup> HEATH TO JOIN IN A SALE OF REAL ESTATE.

A PETITION of Samuel Heath of Boston, barber, and of Ebenezer and Elisabeth Heath minors, by their Father & Guardian Ebenezer Heath; praying for liberty to sell the said Minors part of a House and Land situate in Braintree, which descended to them from their Mother Deborah Heath dec<sup>d</sup> which is now of little advantage to the said Minors.

Read and

*Ordered* that the Prayer of the Petition be Granted and the Pet<sup>rs</sup> Are hereby Allowed and Impowered to Joyn in the Sale of the Messuage and Land herein Mentioned, They giving Bond with Sufficient Suretys to the Judge of Probate for the County of Suffolk that their Share of the Principal Sum arising by said Sale together with the Interest thereof be duly and truly Applied for the Ends and Purposes mentioned in the Petition. [*Passed June 14.*]

Legislative  
Records of the  
Council,  
xvii. (2), 323.  
Mass.  
Archives,  
xvii., 703.

Mass.  
Archives,  
xvii., 702-704.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 133.  
House Jour-  
nal, pp. 19, 39.

## CHAPTER 18.

ORDER ALLOWING JOHN GYLES ESQ<sup>r</sup> BOUNTY ON KILLING WOLVES.

Legislative  
Records of the  
Council,  
xvii. (2), 324.  
Mass.  
Archives, i.,  
152.

Legislative  
Records of the  
Council, xvii.,  
Mis., 194.  
House Jour-  
nal, pp. 37, 39.  
Province  
Laws, ii., 842,  
chap. 23.

A PETITION of John Gyles of S<sup>t</sup> Georges River in the County of York Esq<sup>r</sup> Shewing that since the beginning of September last, he hath caught and caused to be killed three grown Wolves within seven miles of the Fort there; Praying that he may receive out of the publick Treasury Four pounds per head for the said Wolves, the Premium established by Law.

Read and

*Ordered* that the Prayer of the Petition be granted And that there be allowed and paid out of the Publick Treasury to the Pet<sup>r</sup> four Pounds bills of the Old Tenour for Each Wolve's Head mentioned herein Provided the Pet<sup>r</sup> produce a Certificate that He has made oath before a Justice of the Peace that the Wolves mentioned were Bona Fide killed within this Province, and that the Heads and Ears are destroyed. [*Passed June 14.*]

## CHAPTER 19.

## ORDER OF NOTICE ON JUDITH JENKINS'S PETITION FOR THE APPOINTMENT OF A TRUSTEE.

Legislative  
Records of the  
Council,  
xvii. (2), 325.

House Jour-  
nal, p. 39.

A PETITION of Judith Jenkins (late Judith How) complaining against her Husband . . . <sup>1</sup> Jenkins, that he has taken whatsoever he could get of the Estate of her late Husband Israel How, to the great wrong of her self and her Children, and is gone beyond Sea and takes not the least care of her support, but has left a Power of Attorney with Edward Lutwich (as the Petitioner is informed) that he may receive what else can be got of the said Estate; And therefore Praying that this Court would appoint a Feoffee in Trust for the Petitioner to receive her Dower of her first Husbands Estate, and preserve it from the demands of the said Lutwich, that so she may have her support.

Read, and

*Ordered* that the Petitioner forthwith serve Edward Lutwich within named with a Copy of this petition, that he shew cause if any he have on Fryday the Twentieth Currant why the Prayer thereof should not be granted. [*Passed June 14.*]

## CHAPTER 20.

ORDER ON NATH<sup>l</sup> CUNNINGHAMS PETITION FOR STAY OF EXECUTIONS.

Legislative  
Records of the  
Council,  
xvii. (2), 301.  
Mass.  
Archives, lix.,  
320.

Mass.  
Archives, lix.,  
316-324. Legis-  
lative Records  
of the Council,  
xvii., Mis., 194;  
*ibid.*, xvii. (2),

A PETITION of Nathaniel Cunningham of Boston, merchant, Shewing that George and Robert Hews of Boston, Tanners, have recovered Judgment against the Petitioner for a considerable sum, and have taken out Execution, and that the Petitioner hath several Actions against the said Hews's depending in the Superior Court to be held at Boston in August next; Praying that the said Execution may be staid, till the event of the Petitioners actions.

Read together with the Answer of George and Robert Hews, which being considered;

<sup>1</sup> Blank in MS.

*Ordered* that the Prayer of the Petition be granted, and that all Executions upon Judgments obtain'd by either of the Parties in Said Petition mentioned, be Suspended & Staid until final Judgment be given by the Superiour Court of Judicature, in the Suit brought by the Petitioner against the Said George and Robert Hews on the Bond mentioned in the Petition. [*Passed June 14.*<sup>1</sup>]

328. House Journal, pp. 12, 40. *Ante*, p. 618, chap. 116.

## CHAPTER 21.

### ORDER ACCEPTING THE HASSANIMISCO TRUSTEES ACCT.

AN ACCOMPT presented by the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> Edward Goddard Esq<sup>r</sup> and Ephraim Curtiss Esq<sup>r</sup> Trustees for the Indians of Hassanimisco, of Receipts and Disbursements for them for the last year; Ballance due to the said Indians being £48. 7. 9.

Legislative Records of the Council, xvii. (2), 328.

Read, and

House Journal, p. 42.

*Ordered* that the said Trustees be discharged of the sum of One Hundred and fifty nine Pounds and nineteen shillings, and that they be further accomptable for the sum of Forty Eight Pounds seven shillings and nine pence, ballance in their hands. [*Passed June 18.*]

## CHAPTER 22.

### ORDER IMPOWERING SOL. WOMSCOM, INDIAN, TO SELL LAND.

A PETITION of Solomon Womsquan of Natick, Indian, Praying for liberty from this Court to sell ten Acres of land for discharge of a Debt he has contracted, by reason of a dangerous wound he accidentally gave himself in his knee, by an ax while at work, his chirurgeon supporting of him with necessaries of life as well as taking care of his cure, and that if there be any overplus after his debts are paid, to be applied for his more comfortable support.

Legislative Records of the Council, xvii. (2), 328; *ibid.*, xvii., Mis., 195.

In the House of Representatives

Mass. Archives, xxxi., 286. House Journal, pp. 34, 41.

*Ordered* that the Prayer of the Petition be granted & the Petitioner is hereby allowed and impowered to make Sale of the ten Acres of Land mentioned in the Petition and to pass and execute in due form of Law a Deed of sale thereof to the person purchasing the same [and John D'Aeth]<sup>2</sup> Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> board be & are hereby desired & impowered to be Aiding and assisting in the said Sale & to see justice done him in the Premises and that the proceeds thereof be duly and truly applied to the purposes set forth in the Petition. They to render an Account of their proceedings therein to this Court.

In Council Read & Concurred And Francis Foxcroft is joined in the Affair. [*Passed June 18.*]

<sup>1</sup> This date is according to Mass. Archives, Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (2), the date is June 18.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii. (2), 329.

Legislative  
Records of the  
Council,  
xvii. (2), 329.  
Mass.  
Archives,  
cxiv., 557.

## CHAPTER 23.

### ORDER ALLOWING FURTHER TIME TO THE NARRAGANSET GRANTEES OF THE TOWNSHIP N<sup>o</sup> FOUR.

A PETITION of Edward Shove and John Foster Esq<sup>rs</sup> Agents for the Proprietors of the Narraganset Township called Number Four; Setting forth the difficulties the said Proprietors have been under in settling the said place; and praying that the Court would allow them some further time for fulfilling the Conditions of their Grant.

Read and in answer to this Petition

*Ordered* that two Years time longer be allowed the Pet<sup>rs</sup> to Comply with the Conditions of their Grant. [*Passed June 18.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 198.  
House Jour-  
nal, pp. 28, 42.  
Province  
Laws, xi., 785,  
chap. 193.  
*Ante*, p. 46,  
chap. 98.

## CHAPTER 24.

### ORDER ON BILLERICA PETITION IN REGARD TO MARKING BOUNDS BETWEEN BILLERICA AND WOBURN.

ON THE PETITION of the Select Men in the Town of Billerica; [*ante*, p. 659, chap. 196]

In Council

Read, together with the Answer of the Select men of the Town of Woburn and

*Ordered* that Joseph Wilder Esq<sup>r</sup> with Such as Shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to repair to the Bounds between the Towns of Billerica & Woburn, and mark out and State the Same, according to the ansient Settlem<sup>ts</sup> as near as they can learn first giving Notice to the Select men of Said Towns of the time of their going, And that they make Report of their Doings therein as Soon as may be to this Court; The Charge of the Committee to be born as the Court Shall order

In the House of Rep<sup>rves</sup>

Read and concurd and John Chandler and Joseph Blanchard Esq<sup>rs</sup> are Joined in the Affair. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xvii. (2), 307.  
Mass.  
Archives,  
cxiv., 545.

Mass.  
Archives,  
cxiv., 544.  
Legislative  
Records of the  
Council,  
xvii. (2), 333.  
House Jour-  
nal, pp. 23, 50.  
*Ante*, p. 659,  
chap. 196.

## CHAPTER 25.

### ORDER IMPOWERING THE ADMINIST<sup>RS</sup> OF JOHN RUCK DEC<sup>d</sup> TO SELL LAND.

A PETITION of Joshua Hicks and Samuel Pope Administ<sup>rs</sup> of the estate of John Ruck late of Salem, dec<sup>d</sup> Shewing that the said Ruck was possessed of a real Estate of the value of about £3,000; part of which he sold, being of the value of £1,000, and then mortgaged the residue to Coll: Samuel Brown to secure the payment of £120 with Interest; And afterwards he fell into distraction and so remained till his death; that the Heirs of the said Samuel Brown recovered possession of the whole mortgaged premisses, but have not as yet extended their execution on it; that the said John Ruck has left other debts on his Estate and a Wife and four Children, and the heirs of his sister Hannah Dean claim a moiety of a moiety of all the lands and buildings sold and mortgaged

Legislative  
Records of the  
Council,  
xvii. (2), 334.  
Mass.  
Archives,  
xvii., 716.

Mass.  
Archives,  
xvii., 714.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 195.  
House Jour-  
nal, pp. 48, 50.



as aforesaid in right of Thomas Ruck brother to the said John, which Heirs were in their minority until the distraction of the said John, that some of the said Johns children are now in their minority, and therefore can make no composition with the Heirs of the said Hannah, without the authority of this Court: And therefore praying (at the desire of the said Widow & Children) that they may be empowered to make sale of that part of the mortgaged premisses of which the said John died seized, and to pay the Children of the said Hannah the sum of Three Hundred Pounds (which they have agreed to take for their estate therein) and that the Judge of Probate may be directed to allow such Paym<sup>t</sup> and that the Petitioners may be enabled to pay the just debts on the said Estate, and the remainder to be distributed to the Widow and Children.

Read &

*Ordered* that the Prayer of the Petition be granted & that the Pet<sup>rs</sup> in their Capacity afores<sup>d</sup> be allowed to make Sale of that Part of the Mortgaged Premises whereof the said John died seized to the highest Bidder (notice being first given according to the direction of the province Law) for the payment of the Debts due from the said John, And that the Petitioners be further allowed to pay to the Heirs of Hannah Dean dec<sup>d</sup> three hundred pounds which they agree to take for their Estate in what was sold & mortgaged by the said John, and that the Overplus remaining (after all the just Debts of the dec<sup>d</sup> are paid & Charge of Adminis<sup>n</sup>) shall be distributed to & among the Widow & Children of the said John according to Law, the Pet<sup>rs</sup> giving sufficient Security to the Judge of probate for the County of Essex that such part or portion thereof as belongs to the Minors be put out on Interest untill they shall arrive at the Age of twenty one years or day of Marriage, & that the Judge of Probate for said County be empowered to allow said payments when the Pet<sup>rs</sup> shall render an Acco<sup>t</sup> of their Administration. [*Passed June 21.*]

## CHAPTER 26.

### ORDER OF NOTICE ON THOMAS GRAYS PETITION TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Thomas Gray, Shewing that he brought, to the Superior Court held at Barnstable in April last, his Writ of Review of an Action originally commenced by the Petitioner against Kenelm Winslow as Agent for the Proprietors of the land lying between Stony Brook and Bound Brook in the Town of Harwich; which Writ was directed to the Sheriff, but because one of the Proprietors was made a Deputy Sheriff, the Court abated the Writ on the account of that direction, apprehending that it ought to have been directed to the Coroner; And therefore Praying that he may be allowed to bring forward an other Writ of Review, notwithstanding the time limited by law for his Review is elapsed.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Party the within named Kenelm Winslow with a Copy of this Pet<sup>n</sup> that He Shew cause if any He have on the first Thursday of the next Sitting of this Court Why the Prayer thereof Should not be granted. [*Passed June 23.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (2), 340.  
Mass.  
Archives, xli.,  
520.

Mass.  
Archives, xli.,  
519-525. House  
Journal, p. 31.  
*Ante*, p. 388,  
chap. 62.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (2), the date is June 24.



## CHAPTER 27.

ORDER OF NOTICE ON THE PETITION OF JOHN TYLER ADMINISTRATOR,  
TO FILE A COMPLAINT.

Legislative  
Records of the  
Council,  
xvii., 2, 339.

Mass.  
Archives,  
xvii., 620–627.  
House Jour-  
nal, p. 53.

A PETITION of John Tyler Administrator of the Estate of Isaac Barons late of Chelmsford in the County of Middlesex dec<sup>d</sup>: Shewing that at the Inferior Court of Common Pleas, held at Concord for said County in August last, the said Isaac recovered Judgement against Jonathan Powers and John Usher, both of Litchfield, for £33. 9 money debt and costs, from which they appealed to the next Superior Court, but failed of prosecuting, and by reason of the said Barons death no complaint was filed against them; And therefore Praying that the Petitioner may be allowed to file a complaint at the next Superior Court in order to have the Judgement of the Inferior Court affirmed with additional costs.

Read and

*Ordered* that the Petitioner serve the adverse party the said Jonathan Powers and John Usher with a Copy of this Petition, that they shew cause if any they have, on Tuesday the first of July next, if the Court be then sitting, if not, on the first Fryday of the next Sitting of this Court, why the Prayer thereof should not be granted. [*Passed June 24.*]

## CHAPTER 28.

ORDER IMPOWERING LYDIA WADE ADMINISTRATRIX TO SELL LAND  
TO PAY DEBTS.

Legislative  
Records of the  
Council,  
xvii., 2, 342.  
Mass.  
Archives,  
xvii., 636.

Mass.  
Archives,  
xvii., 700.  
Legislative  
Records of the  
Council, xvii.,  
Misc. 196.  
House Jour-  
nal, p. 251  
(March, 1740);  
p. 13. Prov-  
ince Laws, ii.,  
151, chap. 10.

A PETITION of Lydia Wade, Administ<sup>r</sup> of the Estate of her late husband Samuel Wade of Charlestown in the County of Middlesex dec<sup>d</sup> Setting forth the difficult circumstances of the said Estate, that there are considerable debts upon it more than the Personal Estate will pay, and that it will be a great damage to the heirs to have the Real Estate kept till they are of age: And therefore Praying that this Court would give her liberty to sell the whole Real Estate.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> (Attending the direction of the Law of this Province empowering Exec<sup>rs</sup> and Adm<sup>rs</sup> to sell land and other real Estate) be and hereby is fully Authorized and Impowered to make Sale of the Real Estate within mentioned and to Execute in due form of Law a Deed or Deeds of Sale for Conveyance thereof to any Person that shall give most for the Same the Produce thereof to be dispos<sup>d</sup> of as follows. viz. first for the Payment of the Just Debts of the Deceased after which the Improvement and Income of one third part thereof to the Pet<sup>r</sup> for the term of her natural life She giving Bond with Sufficient Suretys to the Judge of Probate for the County of Middlesex that the Exec<sup>rs</sup> or Adm<sup>rs</sup> shall at her Decease pay the Principal Sum which she recieves to the Children of the Deceased or their Legal Representatives, the remainder thereof to and among the Children of the Deceased the Portion of such of them as Are Minors to be put into the hands of such Guardians as are or may be appointed by the afores<sup>d</sup> Judge and by them to be let out on Interest for their Benefit during their Minority, and the Principal to be paid them, as they respectively arrive at Age or are married, and that the Widow's third part at the Expiration of her Term be alike distributed as afores<sup>d</sup>

And whereas Several of the Children of the said Deceased are of Age it is intended that they shall immediately after the Sale & Settlement of said Estate have and Enjoy their parts and proportions. [*Passed June 24.*]

## CHAPTER 29.

### ORDER IMPOWERING SUSANNAH RANDAL AS GUARDIAN TO SELL REAL ESTATE.

A PETITION of Susannah Randal of Weymouth, Guardian to Samuel Webb and Thomas Webb, Minors, her Grand Children; Praying for liberty to sell one eighth part of seventy five Acres of woodland lying in the County of Plymouth (it being unprofitable at present to the said minors, and declining in its value by reason of the strip & waste that is made upon it) the proceeds of the said sale to be put out at Interest for the use of the said Minors.

Read and

*Ordered* that the Prayer of the Petition be granted and the Pet<sup>r</sup> as Guardian withinmentioned Attending the direction of the law of this Province relating to the Sale of Real Estates be & hereby is Allowed and Impowered to make Sale of the land Mentioned in the Petition She Giving Sufficient Security to the Judge of Probate for the County of Suffolk that the Principel Sum arising by Said Sale together with the Interest accruing thereon shall be paid to the Minors as they shall arrive at Age. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xvii. (2), 343.  
Mass.  
Archives,  
xvii., 709.

Mass.  
Archives,  
xvii., 708.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 197.  
House Jour-  
nal, pp. 31, 48.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 30.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE CO. TREASURER OF YORK.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the year 1739; Having been laid before the Court of General Sessions of the Peace for said County and by them allowed:

Read and

*Ordered* that the Accompt be allowed the ballance whereof being One hundred and Sixteen pounds Eighteen Shillings the said Treasurer is further accountable to said County for. [*Passed June 25.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xvii. (2), 317;  
*ibid.*, xvii.,  
Mis., 199.

House Jour-  
nal, pp. 37, 55.

## CHAPTER 31.

### ORDER FOR A TOWN MEETING AT LEOMINSTER.

*Ordered* that Joseph Wheelock, one of the principal Inhabitants of the new Township called Leominster lying in the County of Worcester, be and hereby is allowed and impowered to notify and warn the Inhabitants of the said Township to assemble and convene in some convenient publick place in said Town to make choice of a Town Clerk and other Town Officers, to stand until the Anniversary Meeting in March next. [*Passed June 25.*]

Legislative  
Records of the  
Council,  
xvii. (2), 344.

House Jour-  
nal, p. 56.  
*Ante*, p. 673,  
chap. 7.

<sup>1</sup> This date is according to Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is June 12.

## CHAPTER 32.

## ORDER IMPOWERING ABIG. LARCAM TO SELL LAND.

Legislative  
records of the  
Council,  
xvii. (2), 350.  
Mass.  
Archives,  
xvii., 697.

Mass.  
Archives,  
xvii., 696, 698.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 197.  
House Jour-  
nal, p. 220  
(January,  
1740); p. 62.

A PETITION of Abigail Larkam of Wenham in the County of Essex; Shewing that her late Husband Mordacai Larkam dec<sup>d</sup> in his life time disposed of his Real Estate to his son, on condition to maintain him & the Petitioner, which Estate came by the Petitioner; that their Son is now dead and the income of the said Estate is not sufficient for the Petitioners support; And therefore Praying for leave from this Court to sell the said land, to which the most of her Children are consenting, the right of the said Land being fallen to them by their Fathers settlement upon the failure of their Brother.

Read and

*Ordered* that the Prayer of the Petition be granted, and Mess<sup>rs</sup> Jonathan Kimball Cap<sup>t</sup> Samuel Kimball of Wenham and M<sup>r</sup> John Whipple son of Maj<sup>r</sup> Mathew Whipple late of Ipswich Deceas'd be a Committee fully Authorized and Impowered to make sale of all or so much of the land as they shall think convenient for the better maintenance of the Petitioner, and to give and Execute good and Sufficient Deeds in the Law, and to give proper Caution to the Judge of Probates for the County of Essex. [*Passed June 27.*]

## CHAPTER 33.

## ORDER OF NOTICE ON THE PETITION OF SPRINGFIELD INHABITANTS AT THE MOUNTAINS TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (2), 350.  
Mass.  
Archives, xli.,  
145.

Mass.  
Archives, xli.,  
143-149. House  
Journal,  
pp. 36, 61, 62.

A PETITION of Thomas Myrick and Abel Bliss in behalf of the Inhabitants settled at the Mountains, so called, in Springfield on the East side of the Great River on the lands called the Outward Commons, being the Second and Third Division of said Commons; Setting forth their great difficulties in attending upon the Publick Worship in the Parish Church especially in the Winter season; And therefore Praying that the Petitioners with the Lands aforesaid being in length North & South eight miles and in breadth four, may be set off as a separate Precinct and the lands taxed for the support of a Minister.

Read and

*Ordered* that the Pet<sup>rs</sup> Serve the Non Resident Prop<sup>rs</sup> of said Land with a Copy of this Petition by Posting the Same at the Town House in Springfield And by Inserting it in One of the Publick Newspapers. That they Shew cause if any they have On the first Tuesday of the next Session of this Court Why the Prayer there of Should not be granted. [*Passed June 27.*]

## CHAPTER 34.

## ORDER IMPOWERING JOSEPH COOK TO ENTER A COMPLAINT.

Legislative  
Records of the  
Council,  
xvii. (2), 303.  
Mass.

A PETITION of Samuel Howland of Bristol in the County of Bristol (Attorney of Joseph Cook of Dartmouth in said County) Shewing that at the Inferior Court of Common Pleas for said County held in Septem-

ber last, the said Joseph Cook recovered Judgement against one Peter Crepoe of Rochester, from which the said Peter appealed to the next Superior Court for said County, but failed of prosecuting his said Appeal, and the said Josephs<sup>1</sup> Cooks Attorney neglected then to file his complaint; Praying that he may have liberty to file his complaint for affirming the said Judgement of the Inferior Court.

Read And it appearing that Peter Crepoo abovementioned has been served with a Copy of the Petition but no answer given in :

*Ordered* that the Prayer of the Petition be granted, and the within named Joseph Cook is hereby allowed and empowered to enter his Complaint on the Judgment within mentioned in the Superiour Court of Judicature &c to be held at Bristol in & for the County of Bristol on the fourth Wednesday of October next; And the Justices of the Said Court are hereby empowered & Directed to hear the Same, and make up Judgment thereupon, And award Execution accordingly. [*Passed June 27.*]

Archives, xli., 511.

Mass. Archives, xli., 510, 512. Legislative Records of the Council, xvii., Mis., 198; *ibid.*, xvii. (2), 351. House Journal, pp. 13, 14, 63.

## CHAPTER 35.

### ORDER ANNEXING THE PROPRIETORS OF MERRICONEAG NECK TO THE TOWN OF BRUNSWICK.

A PETITION of Adam Winthrop Esq<sup>r</sup> & others, Proprietors of the tract of land called Merriconeag Neck, part of which is in the town of North Yarmouth; Shewing that the Inhabitants there are so inconveniently situated, and so far from the body of the said Town and place of publick Worship there, that they are under discouragements as to the settlement of the said place; and therefore Praying that they may be set off from North Yarmouth and joined to the Town of Brunswick, which will be much more convenient for them and their families.

Legislative Records of the Council, xvii. (2), 363. Mass. Archives, cxiv., 530.

Read and it appearing that the Town of North Yarmouth has been duly Served with a Copy of this Petition but no Answer given in ;

Mass. Archives, cxiv., 528. Legislative Records of the Council, xvii. (2), 351. House Journal, pp. 13, 64. History of Brunswick (Me.), pp. 157, 158, chap. 3.

*Ordered* that the Prayer of the Petition be granted, And that, that part of the Neck of Land within mentioned which heretofore belonged to the Town of North Yarm<sup>o</sup> together with the Inhabitants thereon, be and hereby are Set off from the Said Town of North Yarmouth, and annexed to & accounted as part of the Town of Brunswick there to do Duty & receive Priviledge Accordingly. [*Passed June 28.*]<sup>2</sup>

## CHAPTER 36.

### ORDER ON TIM<sup>o</sup> WYNS PETITION TO ENTER A COMPLAINT FOR NON-PROSECUTION OF AN APPEAL.

A PETITION of Timothy Winn Jun<sup>r</sup> of Woburn in the County of Middlesex, Praying for liberty to file his Complaint at the next Superior Court of Judicature for said County against Philemon Saunders Jun<sup>r</sup> of Salem for not prosecuting his Appeal from a Judgement, the Petitioner obtained against him at the Inferior Court of Common Pleas for said County.

Legislative Records of the Council, xvii. (2), 332. Mass. Archives, xli., 538.

Read and it appearing that the Attorney of the within named Philemon Sanders hath been served with a Copy of the Petition, but no Answer given in :

Mass. Archives, xli., 532–539. Legislative Records of the Council, xvii., Mis., 199; *ibid.*, xvii. (2),

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (2), and the House Journal the date is June 27.



352. House  
Journal,  
pp. 45, 65.

*Ordered* that the prayer of the Petition be granted, and the within named Timothy Winn is hereby allowed and impowered to enter his Complaint on the Judgm<sup>t</sup> within mentioned at the Superiour Court of Judicature &c. to be held at Cambridge for the County of Middlesex on the last Tuesday of July next; And the Justices of the Said Court are hereby impowered & directed to hear the Same; make up Judgment thereupon, and award Execution accordingly. [*Passed June 28.*]

## CHAPTER 37.

### ORDER OF NOTICE ON DAN<sup>L</sup> PARSONS PETITION TO BRING FORWARD A WRIT OF APPEAL.

Legislative  
Records of the  
Council,  
xvii. (2), 313.  
Mass.  
Archives, xli.,  
514.

Mass.  
Archives, xli.,  
513–516d.  
Legislative  
Records of the  
Council,  
xvii. (2), 362.  
House Jour-  
nal, pp. 27, 28,  
67.

A PETITION of Daniel Parsons of Springfield in the County of Hampshire; Shewing that at the Inferior Court of Common Pleas held at Springfield for said County in August 1738, he brought five several Writs against Robert Old of said place, three on notes under the said Olds hand, on which the Petitioner recovered Judgement, an other Writ of Ejectment, and the fifth for a Book Debt, which went against the Petitioner for want of proof, he appealing to the next Superior Court and filing Reasons of Appeal according to Law; that upon the fair promises of the said Old, the Petitioner submitted the matters in difference to three indifferent men, but the said Old utterly failing to perform his promise to the Petitioner, and the Petitioner having dropt the prosecution of his Appeal, Therefore praying that he may be allowed a trial of the said two causes by Appeal at the next Superior Court for said County, and may be allowed to file his complaint against the said Old for not prosecuting his Appeals in the three Actions first mentioned: the said Old having appealed from the Judgements thereon, but not filed his Reasons.

*Ordered* that the Consideration of this Petition be referr'd to the first Thirsdlay of the next Sitting of this Court, and that Robert Old be allowed to give in his Answer thereto Accordingly. [*Passed June 30.*<sup>1</sup>]

## CHAPTER 38.

### ORDER ALLOWING JOHN DENNIS £50, AND FURTHER GRANTING HIM 200 ACRES OF LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 356;  
*ibid.*, xvii.,  
Mis., 206.

Mass.  
Archives, xli.,  
160. House  
Journal, pp. 35,  
38, 51, 67.

A PETITION of John Dennis late Chaplain to the Garrison of the Fort at S<sup>t</sup> Georges River; Setting forth his difficulties in the said Service, and that he has contracted thereby a very dangerous and expensive Sickness; And therefore Praying that this Court would take his case into their compassionate Consideration and grant him Relief.

Read &

*Ordered* that the sum of fifty pounds equivalent to Bills of the Old Tenor be paid out of the Public Treasury to the Petitioner John Dennis, and also<sup>2</sup> a Grant of two hundred Acres of the Unappropriated lands of this Province within the County of York adjoining to some former grant is hereby Granted to the said Petitioner His heirs and assigns He to return a Plat thereof to this Court within twelve months for Conformation. [*Passed July 2.*]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (2), the date is July 2.

<sup>2</sup> *Sic.*



## CHAPTER 39.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREASURER OF SUFFOLK CO.

AN ACCOMPT presented by Habijah Savage Esq<sup>r</sup> Treasurer of the County of Suffolk for the year 1739, having been laid before the Court of General Sessions of the Peace for said County and by them allowed :  
 Read and

*Ordered* that this account be allowed the ballance whereof being two hundred and forty two pounds five Shillings and ten pence the said Treasurer is further accountable to said County for. [*Passed July 2.*]

Legislative  
Records of the  
Council,  
xvii. (2), 357;  
*ibid.*, xvii.,  
Mis., 205.

House Jour-  
nal, pp. 50, 57,  
64.

## CHAPTER 40.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREASURER OF WORCESTER CO.

AN ACCOMPT presented by Cpt: Benjamin Flagg, Treasurer of the County of Worcester for the year 1739, having been laid before the Court of General Sessions of the Peace for said County, and by them allowed :

Read and Allowed, the Ballance hereof being two hundred fifty pounds and Eleven pence, The said Treasurer is further accountable to said County for. [*Passed July 2.*]

Legislative  
Records of the  
Council,  
xvii. (2), 357;  
*ibid.*, xvii.,  
Mis., 204.

House Jour-  
nal, pp. 14, 57.

## CHAPTER 41.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREASURER OF BARNSTABLE CO.

AN ACCOMPT presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable for the year 1739, having been laid before the Court of General Sessions of the Peace for said County, and by them allowed :

Read and Allowed the Ballance hereof being eighty nine pounds nineteen Shillings & eight pence the said Treasurer is further accountable to said County for. [*Passed July 2.*]

Legislative  
Records of the  
Council,  
xvii. (2), 358;  
*ibid.*, xvii.,  
Mis., 204.

House Jour-  
nal, pp. 56, 57.

## CHAPTER 42.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREASURER OF BRISTOL CO.

AN ACCOMPT presented by Samuel Howland Esq<sup>r</sup> Treasurer of the County of Bristol for the year 1739, having been laid before the Court of General Sessions of the Peace for the said County and by them Allowed :

Read and Allowed, the ballance hereof being three hundred and fifty pounds nine Shillings and two pence the said Treasurer is further Accountable to said County for. [*Passed July 2.*]

Legislative  
Records of the  
Council,  
xvii. (2), 358;  
*ibid.*, xvii.,  
Mis., 204.

House Jour-  
nal, pp. 49, 57.

## CHAPTER 43.

## ORDER ALLOWING THE ACCT OF THE TREASURER OF MIDDLESEX CO.

Legislative  
Records of the  
Council,  
xvii. (2), 358;  
*ibid.*, xvii.,  
Mis., 201.

House Jour-  
nal, pp. 34, 37.

AN ACCOUNT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1739; Having been laid before the Court of General Sessions of the Peace for said County and by them allowed:

Read and Allowed the ballance hereof, being fifty two pounds Six Shillings & seven pence the said Treasurer is further accountable to said County for. [*Passed July 2.*]

## CHAPTER 44.

## ORDER FOR MAKING A NEW PRECINCT IN THE TOWN OF STOUGHTON.

Legislative  
Records of the  
Council,  
xvii. (2), 308;  
*ibid.*, xvii.,  
Mis., 202.  
Mass.  
Archives,  
cxiv., 554.

Mass.  
Archives,  
cxiv., 548-554.  
Legislative  
Records of the  
Council,  
xvii. (2), 348,  
360. House  
Journal, pp. 22,  
58, 64, 70. Prov-  
ince Laws, iv.,  
862.

A PETITION of Jeremiah Fuller and others, Inhabitants of the Town of Stoughton; Setting forth the great difficulties they are under to attend the Worship of God in their Parish Church, by reason of their distance and the badness of the way; And therefore Praying that they may [be] sett of and constitute a separate and distinct Town or Precinct for which they are well situated.

The Committee to whom was referred the Petition of Joseph Hewins Jun<sup>r</sup>, Jeremiah Fuller and William Richards of Stoughton praying that the Westerly part of Stoughton according to bounds mentioned therein may be erected into a separate Township or Precinct for reasons therein given, Are of opinion that the Prayer of the said Petition be so far granted as that the Westerly part of Stoughton be erected into a Separate precinct according to the bounds hereafter described Viz<sup>t</sup> Beginning at the Town line on the north West side where Traphole Brook cometh into the Town and down said Brook until it cometh to the line between the lots of Land Number fifteen and sixteen and thence Southeastward in said line until it comes to the Northeast corner of the eighteenth Lot thence on the northwesterly side of Bird's Land whereon Daniel Richards & Isaac Comming live and continuing the same course on the northwesterly side or line of the fourteenth Lot on Which William Richards liveth unto Pigeon Swamp and by the southerly side thereof so far as to include Abiel Bird's lot and then in the Westerly line of the eighth lot unto the Southwest Corner thereof and the north corner of the twenty fourth lot and thence in the line between the two last mentioned lots to Mashapoag Brook at the corner of the tenth lot and continuing in the south line of the tenth lot and thirty fifth Lot and continuing the same Course between the thirty eighth and fortieth Lots unto the High Way leading from Stoughton to Easton and thence in the said Way until it comes to the North Westerly end line of the lots number twenty six and twenty seven near dry Pond. And in the said line to the corner thereof in or near said Pond And thence in the Westerly line of said lots Strait to the Southeasterly side line of the Town this to be the dividing Bounds or lines between this Precinct and the Remaining Precinct or part of the Town, And that all the Lands and Inhabitants thereon Westerly to that part heretofore sett off to Wrentham be a separate and distinct Precinct and have the privileges and powers of other precincts, And whereas the Highway above mentioned may cross some lots leaving the dwelling Houses on One side and part of the lots on the other side. The Committee are

of Opinion that the side Whereon the Houses are have the whole lots rateable to that Precinct except the twenty Sixth and twenty Seventh Lots. All which is humbly Submitted by

W<sup>m</sup> DUDLEY

Read &

*Ordered* that this report be Accepted and that the Lands therein described together with the Inhabitants thereon, be erected into a Seperate Precinct and are hereby vested with the Powers and Priviledges which other Precincts within this Province do or by Law ought to Enjoy. [*Passed July 2.*]

## CHAPTER 45.

### ORDER ACCEPTING THE REPORT ON THE AFFAIRS OF THE HASSANAMISCO INDIANS.

THE COMMITTEE to whom was referred the report of the Hon<sup>ble</sup> the Leint. Governour and Others trustees for the Indians of Hassanamiscoe with the petitions referred to therein are humbly of Opinion that the Indians there ought directly to have built for them the hindmost seats on the Floor in the front next the Wall in the Meeting House at Grafton two on each side of the Door, which places were set off to the Indians in the Province<sup>1</sup> and with the Approbation of the Trustees; and if any part or parts of s<sup>d</sup> places be alienated from said Hassanamiscoe Indians that the Proprietors of Grafton shall forthwith cause said places for their seats in the Meeting House to be restored to them. We are likewise of opinion that the Bonds of the first Proprietors of Grafton wherein they are bound to set off to the Indians their equal Lotts or proportions of Land with the English Proprietors of said Place, and to settle & support a Gospel Minister & Schoolmaster for the benefit of the Indians as well as of the English there forever, may be cancelled upon the Town of Grafton becoming bound & obliged to the Trustees to do and perform all that the first Proprietors were obliged to. We are further of Opinion that the Proprietors of said Town should at their charge now procure exact Plans of the Lands, that are already set off to the Indians, and put them on Record in the proprietors Book and give them to the Trustees, and that Plans shall be made of any future divisions of Land when sett off to them and recorded there at the charge of said Proprietors, and given in to the Trustees, all which is humbly Submitted, in the name and by Order of the Committee.

Legislative  
Records of the  
Council, xvii.,  
Mis., 201.

Mass.  
Archives,  
xxx., 290.  
Legislative  
Records of the  
Council,  
xvii. (2), 361.  
House Jour-  
nal, pp. 17, 69.  
*Ante*, p. 648,  
chap. 177.

ANTHONY STODDARD

Read and

*Ordered* that this Report be accepted. [*Passed July 2.*]

## CHAPTER 46.

### ORDER CONFIRMING A PLAT OF 2,000 ACRES OF LAND TO JOSEPH GREEN, ISAAC WALKER, BYFIELD LYDE AND JOHN GREEN.

A PLAT of Two Thousand Acres of land laid out by Oliver Patridge Survey<sup>r</sup> and Chain men on Oath to fulfill a Grant made by the General

Legislative  
Records of the  
Council,

<sup>1</sup> "Presence," in Legislative Records of the Council, xvii. (2), 362.

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is July 1.

xvii. (2), 364.  
Maps and  
Plans, Mis.,  
xii., 19.

Maps and  
Plans, Mis.,  
xii., 19, 23.  
House Jour-  
nal, p. 43.  
*Ante*, p. 646,  
chap. 174.

Court to Joseph Green Isaac Walker, Byfield Lyde Esq<sup>r</sup> and John Green :

Read and

*Ordered* that the within Plat be accepted and the lands herein delineated and described be and hereby are confirmed to the said Joseph Green Isaac Walker Byfield Lyde and John Green their Heirs And Assigns Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed \* July 3.*]

## CHAPTER 47.

ORDER DECLARING NULL AND VOID THE PROCEEDINGS AT TOWN MEETINGS IN REHOBOTH.

Legislative  
Records of the  
Council,  
xvii. (2), 315.  
Mass.  
Archives,  
cxiv., 536.

Mass.  
Archives,  
cxiv., 533–536.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 207;  
*ibid.*, xvii. (2),  
366. House  
Journal,  
pp. 28, 46, 74.

A PETITION of Thomas Bowen Esq<sup>r</sup> & others Inhabitants of the Town of Rehoboth, Setting forth the illegal & disorderly proceedings of the Inhabitants of said Town at their Meeting in March last, in the choice of Town Officers ; and Praying that the said Elections may be declared null and void, and that they may have a fair and legal choice of Officers in an other Meeting.

Read together with the Answer of the Selectmen and Sundry Inhabitants of the Town of Rehoboth, and the Matter being fully considered :

*Ordered* that the Prayer of the Petition be granted, and that the Proceedings of the Said Town of Rehoboth at their anniversary Town Meeting held on the Thirty first Day of March last, be and hereby are Superseded and declared null and void ; And that the Selectmen of Said Town for the Year One Thousand Seven Hundred & thirty nine be and they are hereby are<sup>1</sup> fully impower'd & directed as Soon as may be, to issue out their Warrant directed to the Constable or Constables of Said Town for the Year 1739, requiring them to notify and warn the Freeholders & other Inhabitants of Said Town (qualified by Law to Vote in Town Affairs) to assemble at Such time & in Such publick Place in Said Town as Shall be expressed in Said Warr<sup>t</sup> And the Inhabitants (qualified as aforesaid) so assembled are hereby impowered to make Choice of Selectmen & other Town Officers (by Law required) for the Current Year, and the Election of Officers So made Shall be deemed good & valid as if duly made in the Month of March last : And the Said Selectmen are hereby further impowered and required to regulate Said Meeting according to Law until a Moderator Shall be chosen for that purpose. [*Passed July 4.*]

## CHAPTER 48.

VOTE APPOINTING A COMMITTEE TO CONSIDER THE SUFFERINGS OF DIVERS PERSONS IN THE YEAR 1692.

Legislative  
Records of the  
Council,  
xvii. (2), 368.

House Jour-  
nal, p. 21 (De-  
cember, 1738) ;  
p. 132 (Jan-  
uary, 1738) ;  
p. 76.

IN THE HOUSE OF REPRESENT<sup>VES</sup> Whereas this House appointed a Committee Anno 1738 to take into consideration the sufferings of sundry persons in the year 1692, in order to their having a just and reasonable recompence therefor ; but they not having reported thereon :

*Voted* that Benjamin Brown Esq<sup>r</sup> M<sup>r</sup> William Fairfield and Cpt. Timothy Johnson with such as shall be joined by the Hon<sup>ble</sup> Board be

<sup>1</sup> *Sic.*

a Committee to take the said Affair under consideration, and report what they shall judge proper for this Court to do thereon.

In Council; Read and Concur'd, and Benjamin Lynde and Samuel Danforth Esq<sup>rs</sup> are joined in the Affair. [*Passed July 5.*]

## CHAPTER 49.

### ORDER CONFIRMING A PLAT OF 250 ACRES OF LAND TO JABEZ FAIRBANKS.

A PLAT of Two Hundred and Fifty Acres of land laid out by Samuel Willard Jun<sup>r</sup> Survey<sup>r</sup> and Chain men, on oath, to fulfill a grant of the General Court made to Jabez Fairbanks, lying on the West side of Paquoiaug; Beginning at the South East Corner & running South two hundred and two rods to a Pine Tree; thence West two hundred and five rods to a Pine Tree; thence North two hundred and two rods to an Ash Tree; thence to the first mentioned Corner.

Read and

*Ordered* that this Plat be accepted and the land herein delineated and Described be and hereby is confirmed to the s<sup>d</sup> Jabez Fairbanks His Heirs and assigns Provided the Plat Exceeds not the Quantity of the Grant and the conditions thereof perform'd and does not Interfere with any former Grant. [*Passed July 5.*]

Legislative  
Records of the  
Council,  
xvii. (2), 369.  
Maps and  
Plans, Mss.,  
xii., 22.

House Jour-  
nal, p. 69.  
*Ante*, p. 500,  
chap. 58.

## CHAPTER 50.

### RESOLVE ALLOWING £1,500 TO THE JUDGES.

*Ordered* that the sum of Fifteen hundred Pounds in Bills of the Old Tenor or equivalent thereto in Bills of the new Tenor be granted and allowed to be paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of His Majestys Superior Court of Judicature, Court of Assize and General Goal Delivery, for their services ending the first day of January last. [*Passed July 8.*]

Legislative  
Records of the  
Council,  
xvii. (2), 371.  
House Jour-  
nal, p. 81.

## CHAPTER 51.

### RESOLVE ALLOWING £150 TO THE SECRETARY.

*Ordered* that the sum of One Hundred and Fifty Pounds Bills of the Old Tenor or Bills of the New Tenor equivalent thereto, be allowed and paid out of the Publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province for his service the year past ending the third day of December last. [*Passed July 8.*]

Legislative  
Records of the  
Council,  
xvii. (2), 371.  
House Jour-  
nal, p. 82.



## CHAPTER 52.

## RESOLVE ALLOWING £200 ADDITIONAL TO THE SECRETARY.

Legislative  
Records of the  
Council,  
xvii. (2), 371.  
House Jour-  
nal, p. 82.

*Ordered* that the sum of Two Hundred Pounds, Bills of the Old Tenor, or Bills of New Tenor equivalent thereto, be allowed and paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &<sup>e</sup> in consideration of his extraordinary services to the 3<sup>rd</sup> of Dec<sup>r</sup> last. [*Passed July 8.*]

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## CHAPTER 53.

## RESOLVE ALLOWING £600 TO THE PRESIDENT OF THE COLLEGE.

Legislative  
Records of the  
Council,  
xvii. (2), 372.  
House Jour-  
nal, p. 82.

*Ordered* that the sum of Six Hundred Pounds, Bills of the Old Tenour or Bills of the New Tenour equivalent thereto, be granted and allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Edward Holyoke, President of Harvard College, over and above the rents of the Massachusetts Hall for the space of one year, to be paid him quarterly, the year to begin in September last. [*Passed July 8.*]

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## CHAPTER 54.

## RESOLVE ALLOWING £420 TO THE TREASURER.

Legislative  
Records of the  
Council,  
xvii. (2), 372.  
House Jour-  
nal, p. 82.

*Ordered* that the sum of Four Hundred and Twenty Pounds, Bills of Credit of the Old Tenor, or in Bills of the new Tenour equivalent thereto be allowed and paid out of the public Treasury to William Foye Esq<sup>r</sup> Treasurer and Receiver General of His Majestys Revenues in this Province, in full for his Service the year past, ending the Second Day of January last. [*Passed July 8.*]

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## CHAPTER 55.

## RESOLVE ALLOWING 5/ PER DIEM TO THE SPEAKER.

Legislative  
Records of the  
Council, xvii.,  
Misc., 208.  
Mass.  
Archives,  
xlix., 41.  
Mass.  
Archives,  
xlix., 42.  
Legislative  
Records of the  
Council,  
xvii. (2), 372.  
House Jour-  
nal, p. 82.

*Ordered* that there be granted and Allowed to be paid out of the Publick Treasury five Shillings p<sup>r</sup> Diem in Bills of the Old Tenor or in Bills of the New Tenor Equivalent thereto to the Hon<sup>ble</sup> John Quincy Esq<sup>r</sup> Speaker of the House for every day of his Attendance in the General Court from the Opening of the Session in May 1739 to the End of that Year in Consideration of his Constant Application in discharging the Publick Affairs of the Province Upon Certificate from the Clerk of the House. [*Passed July 8.*]

## CHAPTER 56.

RESOLVE ALLOWING £50 TO THE PROFESSOR OF DIVINITY AT HARV:  
COLLEGE.

*Ordered* that the sum of Fifty Pounds Bills of the Old Tenour or in Bills of the New Tenor equivalent thereto, be granted and allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Edward Wigglesworth Hollisian Professor of Divinity at at<sup>1</sup> Harvard College in Cambridge, as a Gratuity in consideration of his faithful discharge of that great & important Trust reposed in him and for his further encouragement therein. [*Passed July 8.*]

Legislative  
Records of the  
Council,  
xvii. (2), 373.  
House Jour-  
nal, p. 82.

## CHAPTER 57.

RESOLVE ALLOWING £140 TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of One Hundred and Forty Pounds, Bills of the Old Tenor or in New Tenor Bills equivalent, be granted and allowed to be paid out of the public Treasury to M<sup>r</sup> Rowland Cotton Clerk of the House in full for his Services the last year. [*Passed July 8.*]

Legislative  
Records of the  
Council,  
xvii. (2), 373.  
House Jour-  
nal, p. 82.

## CHAPTER 58.

RESOLVE ALLOWING £40 TO THE CHAPLAINS OF THE COURT.

In the House of Represent<sup>ves</sup>

*Ordered* that the sum of Forty Pounds, Bills of the Old Tenor, or Bills of Credit equivalent thereto of the New Tenor, be granted & allowed to be paid out of the publick Treasury; viz<sup>t</sup> One Half thereof to the Rev<sup>d</sup> Chaplain of the Hon<sup>ble</sup> Board the year past, and the other Half to the Rev<sup>d</sup> M<sup>r</sup> Samuel Cheekley Chaplain of this House for his service the year past.

In Council, Read and Concur'd. [*Passed July 8.*]

Legislative  
Records of the  
Council,  
xvii. (2), 373.  
House Jour-  
nal, pp. 82, 83.

## CHAPTER 59.

RESOLVE ALLOWING £225 TO THE DOOR KEEPER.

*Ordered* that the sum of Two Hundred and Twenty Five Pounds, Bills of Credit of the Old Tenour or Bills of the New Tenor equivalent, be granted and allowed to be paid out of the Public Treasury to M<sup>r</sup> Richard Hubbard in full for his service for one year and an half as Door Keeper to His Excellency the Governor and this Court, ending the nineteenth day of August next. [*Passed July 8.*]

Legislative  
Records of the  
Council,  
xvii. (2), 374.  
House Jour-  
nal, p. 83.

<sup>1</sup> *Sic.*

## CHAPTER 60.

## VOTE FOR ISSUING BILLS OF THE OLD AND NEW TENOR NOW IN THE TREASURY.

Legislative  
Records of the  
Council,  
xvii. (2), 374.

House Jour-  
nal, p. 81.  
Province  
Laws, ii., 1011,  
chap. 2.

WHEREAS in the Act for supplying the Treasury with the sum of Eighty Thousand Pounds in Bills of the Old Tenour, the Committee heretofore appointed by this Court for signing the Bills of publick Credit on this Province are directed to cause to be imprinted and delivered to the Treasurer the said sum of Eighty thousand Pounds in Bills as aforesaid: And it since appears to this Court that there is a considerable sum in Bills both of the Old and New Tenor now in the Treasury, which are fit to pass out in payment, and more daily are coming in; Therefore

*Resolved* that the said Committee be and hereby are restrained from causing any part of said sum of Eighty Thousand Pounds to be struck off and signed, as aforesaid, until the further Order of this Court, & that the Treasurer be and hereby is directed to issue forth such of the said Bills as well of the Old as of the New Tenor as are not worn and defaced, in lieu of the Bills by said Act ordered to be imprinted, Pursuant to the Warrants that shall be directed to him for that purpose, agreeable to the Tenour and true Intent of said Act; And such payments as shall be made in Bills of the New Tenour shall be in proportion to the Old, as one to three. [*Passed July 8.*]

## CHAPTER 61.

## VOTE FOR APPORTIONING THE SUM ALLOW'D FOR THE EXPEDITION AGAINST THE SPANIARDS.

Legislative  
Records of the  
Council,  
xvii. (2), 375.

House Jour-  
nal, pp. 80, 81.  
Province  
Laws, ii., 1013.  
*Ante*, p. 671,  
chap. 1.

WHEREAS this Court at their present Session have granted a suitable Bounty or Encouragement to such able bodied and effective men as shall enlist themselves as Soldiers in His Majesty's service in the Expedition to the West Indies: and the number of Persons by said Grant entitled to a Bounty as aforesaid not being therein ascertained:

It is therefore

*Resolved* that the Bounty or Encouragement in and by said Grant provided, be allowed and paid to one Thousand effective men only or to so many of said number as shall appear to enlist themselves in said Service: And

Whereas in the Act for supply of the Treasury pass'd this Court the sum of Seventeen Thousand five hundred Pounds stands appropriated for the service of the aforesaid Expedition; pursuant to such grants as are or shall be made by this Court for that purpose:

It is therefore Unanimously

*Resolved* that the remaining part of the said sum of Seventeen thousand five hundred pounds, over and above what shall be paid for the Bounty and the Encouragement aforesaid, be and hereby is granted to His most excellent Majesty for the subsisting the said One Thousand Men, or so many as shall enlist, until the time of their embarking and for providing Ships provisions & other necessaries for their transportation to the place of general rendezvous in the West Indies. [*Passed July 8.*]

## CHAPTER 62.

RESOLVE ALLOWING £80 TO JUSTICES OF THE SUPERIOR COURT FOR SERVICES AT NANTUCKET.

*Ordered* that Eighty Pounds Bills of the Old Tenour or in Bills of the New Tenor equivalent thereto, be granted and paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of the Superior Court for their extraordinary Services in attending the Court at Nantucket the year past. [*Passed July 9.*]

Legislative  
Records of the  
Council,  
xvii. (2), 376.  
House Jour-  
nal, p. 83.

## CHAPTER 63.

RESOLVE ALLOWING £20 TO THE ESTATE OF JN<sup>O</sup> WAINWRIGHT ESQ<sup>R</sup> DEC<sup>O</sup>.

*Ordered* that the sum of Twenty Pounds, Bills of the Old Tenor or in New Tenor Bills equivalent thereto, be allowed and paid out of the Publick Treasury to Rowland Houghton, Administ<sup>r</sup> to the Estate of John Wainwright Esq<sup>r</sup> dec<sup>d</sup> in full for his service as Clerk of the House the last year. [*Passed July 9.*]

Legislative  
Records of the  
Council,  
xvii. (2), 377.  
House Jour-  
nal, p. 82.

## CHAPTER 64.

ORDER APPOINTING A COMMITTEE ON THE £100,000 LOAN.

THE COMMITTEE appointed to draw up a proper Vote empowering some meet Persons in behalf of this Court effectually to close the affair of the One Hundred Thousand Pounds Loan.

Are of Opinion, That the Treasurer of this Province, with such Others as shall be appointed by this Court be a Committee fully authorized and empowered in behalf of this Court to demand & receive of the Commissioners of the Hundred Thousand Pound Loan, All the Mortgages sued or not sued out, Judgements of Court, Executions, and Other Titles of what name or nature so ever that the said Commissioners have of the Estate Mortgaged to them, as Also the Money's or Bills of Credit now in their hands or owing from them according to the respective accompts of the said Commissioners (<sup>1</sup>Adjusted and Settled by a Committee of this Court and accepted in their present Sessions. And if any of the said Commissioners shall neglect and refuse to deliver up to the said Committee the said Titles, and Pay the Sums due from them respectively according to the said Account within the space of three Months hereafter, that the Committee be further directed and empowered in behalf of this Government to prosecute them in the Law to Effect, And on the receipt or recovery of the said Ballances to fully discharge the said Commissioners, that so the said One Hundred Thousand Pound Loan may come to a final end.

Legislative  
Records of the  
Council, xvii.,  
Mis., 216.  
Mass.  
Archives, cii.,  
68.

Mass.  
Archives, cii.,  
58-68. Legisla-  
tive Records of  
the Council,  
xvii. (2), 346,  
369, 377. House  
Journal, p. 83.  
*Ante*, p. 644,  
chap. 170.

All which is Submitted by

W<sup>M</sup> DUDLEY in the Name & by Order of the Committee.

Boston 8 July 1740.

<sup>1</sup> *Sic*, as to parenthesis.

In Council

Read and Accepted, a[nd]

*Ordered* that William Dudley and John Jeffries Esq<sup>rs</sup> with such as shall be joyned by the Honourable House of Representatives, in Conjunction with Mr. Treasurer Foye, be a Committee fully Authorized and Impowered to do and perform the services above mentioned to Effect.

In the House of Representatives,

Read and Concurr'd, and Mr. Hutchinson and Mr. Bromfield are Joined in the Affair. [*Passed July 9.*]

## CHAPTER 65.

ORDER ALLOWING £30 TO M<sup>R</sup> SAMUEL WILLARD.

Legislative  
Records of the  
Council,  
xvii. (2), 378;  
*ibid.*, xvii.,  
Mis., 191.

ON THE PETITION of the Rev<sup>d</sup> M<sup>r</sup> Samuel Willard [*ante*, p. 624, chap. 129]

Read and

House Jour-  
nal, p. 84.  
*Ante*, p. 624,  
chap. 129.

*Ordered* that the sum of thirty pounds Bills of the Old Tenor or New Tenor Bills equivalent thereto be granted and paid out of the Publick Treasury to the Reverend Samuel Willard in full for his services Mentioned in the Petition. [*Passed July 9.*]<sup>1</sup>

## CHAPTER 66.

ORDER ALLOWING 5/ PER DIEM TO EBEN<sup>R</sup> POMROY ESQ<sup>R</sup> SPEAKER PRO TEMPORE.

Legislative  
Records of the  
Council,  
xvii. (2), 380.

House Jour-  
nal, p. 91.

*Ordered* that the sum of Five shillings per diem be granted and paid out of the publick Treasury to Ebenezer Pomroy Esq<sup>r</sup> for every day of his service as Speaker pro tempore in the Session of this Court in January last, a Certificate thereof to be given by the Clerk of the House. [*Passed July 10.*]

## CHAPTER 67.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREAS<sup>R</sup> OF THE COUNTY OF HAMPSHIRE.

Legislative  
Records of the  
Council,  
xvii. (2), 385;  
*ibid.*, xvii.,  
Mis., 218.

House Jour-  
nal, pp. 50, 51.

AN ACCOMPT presented by William Pyncheon Jun<sup>r</sup> Esq<sup>r</sup> Treasurer of the County of Hampshire for the year 1739, having been laid before the Court of General Sessions of the Peace for said County and there Allowed:

Read and

*Ordered* that the accompt be allowed the ballance being One hundred and Sixty six pounds ten shillings and Seven pence the said William Pyncheon Jun<sup>r</sup> Esq<sup>r</sup> the County Treasurer is further accountable for. [*Passed July 10.*]<sup>2</sup>

<sup>1</sup> An error in the records of Legislative Records of the Council, xvii., Mis., gives the date as June 9.

<sup>2</sup> This date is according to Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is July 11.



## CHAPTER 68.

## VOTE GRANTING £6,500 FOR PURCHASING A GUARD VESSEL.

In the House of Representatives

*Voted*, that the sum of £6,500 be granted & paid out of the Province Treasury for the purchasing a suitable Vessel to guard the Coast and fitting her for the Sea and equipping her with twelve carraige and twelve Swivel Guns and all other warlike Stores, and that<sup>1</sup> His Excellency be desired to give his Orders accordingly, and also

*Voted*, & M<sup>r</sup> Hutchinson and Cap<sup>t</sup> Watts together with such as the Honorable Board shall appoint be a committee to take care with the leave of the Cap<sup>t</sup> General that the same be affected in the cheapest and best manner.

In Council Read & Concurred and Jacob Wendell & Richard Bill Esq<sup>rs</sup> are joined in the Affair. [*Passed July 10.*<sup>2</sup>

Legislative  
Records of the  
Council, xvii.,  
Mis., 220.

Mass.  
Archives,  
lxxii., 504, 505.  
Legislative  
Records of the  
Council,  
xvii. (2), 380,  
387. Province  
Laws, ii., 1104.  
House Jour-  
nal, pp. 85, 91.

## CHAPTER 69.

VOTE FOR THE ESTABLISHMENT OF THE WAGES OF THE GARRISON  
AT CASTLE WILLIAM.

*Voted*, That His Excellency the Governour be desired to give his Orders for the Enlistment of Sixty Effective Men to be posted at His majesty's Castle William including Officers, and for their Encouragement it is further

*Voted*, That each Person Enlisting as aforesaid Shall have given them One Good Coat of the Value of Six Pounds, and shall receive the following Wages, Vizt. The Captain after the Rate of Two Hundred and Ten Pounds, *p* annum, The Lieutenant, One Hundred and Twenty five Pounds, *p* Annum, The Chaplain One Hundred and Seven Pounds, *p* Annum, The Gunner, One Hundred Pounds *p* Annum, Six Quarter Gunners Four Pounds *p* Month each, Two Serjeants Four Pounds *p* Month each, Three Corporals and Two Drummers Three Pounds Sixteen Shillings, *p* Month each, And Forty three Centinels, at Three pounds *p* Month each All the afores<sup>d</sup> Sums to be in Bills of the old Tenor or in new Tenor Bills Equivalent thereto. Provided the said Officers Soldiers and others retained in the Service and pay of the aforesaid Garrison, Attend the Service and perform the Duty of their respective Posts and that no Indian, Negro or Molatto Except One Servant of the Captain be enlisted or retained in that Service, and no other Man unless he be Sui Juris be Enlisted as aforesaid, That the Captain General be also desired to Order an Enlistment of Two Independant Companys each Consisting of Eighty of the Ablest and most Effective Men out of the Regiments nearest the said Castle, for the Service of that Fortress in Case of an Attack that the Cap<sup>t</sup> Generall be also desired to give orders that those Men Attend the military Exercises of the Great Artillery, Eight times every Year, & that for their Encouragement in the Service, they may be freed from all other Military Exercises and Impresses, And that those Men be Subsisted there every Day they may so Attend. This Enlistment to Continue until the Tenth Day of July One Thousand Seven Hundred and Forty two. [*Passed July 11.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 220.  
Mass.  
Archives,  
lxxii., 502.

Legislative  
Records of the  
Council,  
xvii. (2), 383.  
House Jour-  
nal, p. 90.

<sup>1</sup> The words "His Excellency be . . . Voted, &" do not occur in the House Journal or Legislative Records of the Council, xvii. (2).

<sup>2</sup> This date is according to Mass. Archives, Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (2), the date is July 11.

Legislative  
Records of the  
Council,  
xvii. (2), 384.  
Mass.  
Archives, vi.,  
516.

Mass.  
Archives, vi.,  
514. House  
Journal, p. 92.  
*Ante*, p. 637,  
chap. 154.

## CHAPTER 70.

### ORDER REFERRING JN<sup>o</sup> HIGGINSON'S PET<sup>on</sup>.

ON THE PETITION of John Higginson; [*ante*, p. 497, chap. 51]  
*Ordered* That the Consideration of this Petition be further referr'd  
to the first Thursday of the next session. [*Passed July 11.*]

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## CHAPTER 71.

### ORDER ALLOWING ADDITIONAL BOUNTY TO THE CAPTAINS OF THE COMPANIES IN THE EXPEDITION AGAINST THE SPAINARDS.

Legislative  
Records of the  
Council,  
xvii. (2), 384.

Legislative  
Records of the  
Council,  
xvii. (2), 355.  
House Jour-  
nal, p. 92.  
*Ante*, p. 671,  
chap. 1; p. 694,  
chap. 61.

WHEREAS His Majesty has been pleased by his Royal Orders to direct  
that each Military Company proceeding in the intended Expedition to  
the Spanish West Indies shall consist of One Hundred Men, which are  
twice so many as were supposed by this Court when they gave the  
Bounty for providing necessary stores for the Soldiers; Therefore  
*Ordered* that an additional Bounty of Fifty Pounds in Bills of the  
Old Tenour, or Sixteen Pounds thirteen shillings and four pence in  
Bills of the new Tenor be given to the Captain of each Military Com-  
pany that shall voluntarily enlist here to serve in said Expedition, so  
as to make the whole sum One Hundred Pounds to each Company.  
[*Passed July 11.*]

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## CHAPTER 72.

### ORDER ALLOWING £15 TO ELIZ<sup>a</sup> FOOT.

Legislative  
Records of the  
Council,  
xvii. (2), 386.  
Mass.  
Archives,  
Ixxii., 492.

Mass.  
Archives,  
Ixxii., 491.  
Legislative  
Records of the  
Council, xvii.,  
Mss., 219.  
House Jour-  
nal, pp. 29, 61,  
90.

A PETITION of Elizabeth Foot Widow of Malachi Foot late Gunner  
of Castle William: setting forth her low & indigent circumstances, and  
that she attended her late Husband in his last Sickness eight or ten  
weeks without any consideration from the Government; And therefore  
praying for an Allowance from this Court.

Read and in answer thereto

*Ordered* that the sum of fifteen pounds Bills of the Old Tenor be  
allowed and Granted out of the Publick Treasury to Eliz<sup>a</sup> Foot the Pet<sup>r</sup>  
or to Benjamin Brown Esq<sup>r</sup> for her use in full Satisfaction for her Ser-  
vices mentioned in the Petition. [*Passed July 11.*]

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## CHAPTER 73.

### VOTE IMPOWERING THE GOVERNOR AND COUNCIL TO MAN THE GUARD VESSEL.

Legislative  
Records of the  
Council, xvii.,  
Mss., 219.  
Mass.  
Archives,  
Ixxii., 506.

*Voted*, That in Case the Vessell proposed to be Built for the Service  
of the Province Shall be provided and fitted for the Sea before the next  
Sitting of this Court and it shall be judged necessary that upon any  
Emergency or otherwise she be Employed or sent out on any Cruise or  
Expedition that then His Excellency the Governour with the Advice of

the Council be desired to give such Encouragement to Officers and others who shall be Volunteers in said Service as they shall judge reasonable or otherwise to Impress a Sufficient number of men and make provision for their Subsistence during their necessary Continuence in said Service. [*Passed July 11.*]

Legislative  
Records of the  
Council,  
xvii. (2), 388.  
House Jour-  
nal, p. 92.  
*Ante*, p. 697,  
chap. 68.

## CHAPTER 74.

### VOTE AUTHORIZING REPAIRS TO FORTS & TRUCK HOUSES.

*Voted* that the several Forts and Truck Houses at Saco, Richmond, St Georges and Fort Frederick, also above Northfield, be put into a defensible state and all needful supplies made there; and that William Foye Esq<sup>r</sup> the Officer for carrying on the Indian Trade be directed to apply a sum not exceeding Three Thousand Pounds out of the Stock for the Indian Truck Trade for that purpose accordingly; and that His Excellency the Governor be desired to give Orders for the effecting of said Repairs. [*Passed July 11.*]

Legislative  
Records of the  
Council,  
xvii. (2), 389.  
Legislative  
Records of the  
Council,  
xvii. (2), 297.  
House Jour-  
nal, pp. 85, 91.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTIETH DAY OF AUGUST, A.D. 1740.

## CHAPTER 75.

ORDER FOR PRINTING £30,000 IN BILLS OF THE OLD TENOR.

Legislative  
Records of the  
Council,  
xvii. (2), 395.

House Jour-  
nal, p. 100.  
*Ante*, p. 353,  
chap. 212.

*Ordered* that the Committee of this Court for signing Publick Bills of Credit be and hereby are directed with all convenient speed to cause to be imprinted and struck off Twenty Thousand Pounds Bills of the Old Tenor of the highest Denomination, to be signed by four of the Committee, and Ten Thousand Pounds of the Middle Plate, to be signed by Three of the Committee, and as soon as the same are perfected to deliver them to the Province Treasurer, taking his receipt therefor. [*Passed August 22.*]

## CHAPTER 76.

ORDER RECTIFYING A MISTAKE AB<sup>T</sup> LANCASTER TAX.

Legislative  
Records of the  
Council,  
xvii. (2), 396.

House Jour-  
nal, p. 100.  
Province  
Laws, ii., 1028.

NOTICE being taken of a mistake in the Tax Act pass'd this Court the last Session, occasioned by the Transcribers neglect; the Town of Lancasters proportion of the Province Tax being One Hundred and Six Pounds two shillings, but in said Act carried out Six Pounds two shillings:

It is therefore

*Ordered* that the Treasurer be and hereby is directed to send out his Warrants to the said Town for the sum of One hundred and six pounds two shillings, as their proportion of the said Tax accordingly. [*Passed August 23.*]

## CHAPTER 77.

Legislative  
Records of the  
Council,  
xvii. (2), 396.

Legislative  
Records of the  
Council,  
xvii. (2), 395.  
House Jour-  
nal, p. 98.  
*Ante*, p. 697,  
chap. 68;  
p. 698, chap. 73.

ORDER DIRECTING THE COMMITTEE TO CONSIDER AND REPORT ON THE FITTING OUT AND ESTABLISHMENT OF WAGES FOR THE GUARD VESSEL.

*Ordered* that the Committee appointed for building a suitable Vessel to guard the Coast &c be directed to consider what further sums are necessary to fit said vessel for the sea; as also a proper Establishment of the Pay for the Officers and Men, and report as soon as may be. [*Passed August 23.*]

## CHAPTER 78.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF NOAH ASHLEY &<sup>c</sup> TO BE ERECTED INTO A SEPARATE TOWNSHIP.

ON THE PETITION of Noah Ashley and others, Inhabitants of Brookfield, Brimfield and Kingsfield; [*ante*, p. 675, chap. 11]

In Council; Read, together with the answer of the Town of Brimfield, and it appearing that the other Towns were duly served with Copies of the Petition, tho' no answers are returned from them:

*Ordered* that Joseph Wilder Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to repair to the Places within mentioned and view the same, and report to this Court at their next Session what they shall judge proper for this Court to do on this Petition.

In the House of Represent<sup>ves</sup> Read and Concur'd, & M<sup>r</sup> William Lyon and John Chandler Esq<sup>rs</sup> are joined in the affair. [*Passed August 25.*]

Legislative  
Records of the  
Council,  
xvii. (2), 398.

House Jour-  
nal, p. 103.  
*Ante*, p. 675,  
chap. 11.

## CHAPTER 79.

ORDER DIRECTING PAYMENT OF PREMIUMS DUE ON HEMP &amp; FLAX.

A PETITION of John Buckley of Groton; shewing that in the year 1737 he was one of the Constables of said Town, and as such received divers certificates of Hemp and Flax of the Inhabitants (the premium of which the Treasurer was to discount for their tax) to the value of seven pounds seventeen shillings and ten pence; but being sick he was not able to bring down the Certificates, till after the time allowed the Treasurer for receiving them; and therefore Praying that the Treasurer may be now directed to allow said Premium.

Read and in Answer thereto

*Ordered* that the Treasurer be and he hereby is directed to Allow out of the Publick Treasury the Premium due upon the Several Certificates herewith presented. [*Passed August 25.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xvii. (2), 410.  
Mass.  
Archives, i.,  
151.

Legislative  
Records of the  
Council, xvii.,  
Mis., 223.  
House Jour-  
nal, p. 52  
(June, 1739);  
p. 234 (March,  
1739); p. 100.

## CHAPTER 80.

VOTE GRANTING £120 FOR A PRESENT TO THE INDIANS.

*Voted* that there be granted and allowed to be paid out of the publick Treasury, to be paid into the hands of M<sup>r</sup> John Wheelwright, the sum of One Hundred and Twenty Pounds, Bills of the Old Tenour, for the purchasing such things as are proper and convenient for the said Chiefs; which are to be presented to them by His Excellency the Govern<sup>r</sup> in the name of the Government. [*Passed August 26.*]

Legislative  
Records of the  
Council,  
xvii. (2), 400.

Legislative  
Records of the  
Council,  
xvii. (2), 338,  
346, 367, 368,  
397 *his*, 400.  
House Jour-  
nal, p. 105.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (2), the date is September 3.



## CHAPTER 81.

## VOTE FOR THE ERECTION OF A BATTERY IN EDGAR TOWN.

Legislative  
Records of the  
Council,  
xvii. (2), 401.

Legislative  
Records of the  
Council,  
xvii. (2), 386.  
House Jour-  
nal, p. 109.

*Voted* that His Excellency the Captain General be desired to give his Orders that within twelve months there be erected within Edgar Town on Marthas Vineyard a sufficient Breast Work, a Platform built, and eight guns six Pounders or others equivalent mounted, and all suitable Warlike Stores procured; And that the sum of Seven Hundred Pounds in Bills of the Old Tenor be granted and paid out of the publick Treasury to the Order of the said Town; they giving Security to the Province Treasurer for the erecting the said Work and procuring the said Stores, and that the same shall be maintained from time to time in good repair; And on failure of their performing the said Works or maintaining in repair, that the money hereby granted shall be repaid into the publick Treasury again by said Town. [*Passed August 29.*]

## CHAPTER 82.

## VOTE APPROPRIATING £3,500 FOR THE ARMAMENT AND STORES OF THE GUARD VESSEL.

Legislative  
Records of the  
Council,  
xvii. (2), 402.

House Jour-  
nal, p. 108.  
*Ante*, p. 697,  
chap. 68;  
p. 700, chap. 77.

THE COMMITTEE appointed to Estimate the charge of building and fitting the Vessel designed for the service of the Province report as their Opinion, That the said Vessel with her appurtenances fitted to the Sea in the most prudent manner, will cost (exclusive of Stores of War) at least Six Thousand five hundred pounds, the sum already granted by this Court for that purpose, and that the further sum of Three Thousand five hundred Pounds will be necessary in order to procure guns and other needful Warlike Stores for the said Vessel.

Which is humbly submitted; By Order JACOB WENDELL,

Read, and thereupon .

*Voted* that the sum of Three Thousand five hundred Pounds or so much thereof as may be necessary to procure Guns and other Warlike Stores for the Vessel designed for the service of the Province, be granted and paid out of the publick Treasury to the Committee appointed for building and fitting said Vessel to the Sea in order to compleat that Work: The Committee to be accomptable for the same. [*Passed August 29.*]

## CHAPTER 83.

ORDER OF NOTICE ON THE PETITION OF EBENE<sup>r</sup> BILLING & OTHERS OF STOUGHTON IN REGARD TO A TOWN MEETING.

Legislative  
Records of the  
Council,  
xvii. (2), 403.

House Jour-  
nal, p. 108.

A PETITION of Ebenezer Billing and others, Inhabitants of the Westerly Part of the Town of Stoughton, complaining of irregular proceedings of the Inhabitants of the said Precinct at their late Meetings in chusing Precinct Officers making Assessments &c And therefore Praying that this Court would order that the elected Officers do not proceed in acting in their Offices, and that they may be otherwise relieved as to the Grievances complained of.

Read, and

*Ordered* that the Petitioners serve the new Precinct in Stoughton with a Copy of this Petition that so they may shew cause if they think fit, on the first Fryday of the next Session why the Prayer thereof should not be granted, and that in the mean time the persons chosen Precinct Officers at the Meeting within mentioned be and hereby are forbidden to act in the respective Offices for which they were chosen.<sup>1</sup> [*Passed August 29.*]

## CHAPTER 84.

### ORDER OF NOTICE ON THE PETITION OF SAM<sup>L</sup> BURNEL TO FILE AN APPEAL.

A PETITION of Samuel Burnel of Boston ; Shewing that at the Inferior Court of Common Pleas for the County of Suffolk held at Boston in July last, judgement went against him in two Actions between him and Jonathan Burnel and others ; from which he Appealed to the Superior Court, but his Attorney being suddenly called to Rhoad Island he neglected to file Reasons of Appeal ; and therefore praying liberty to file his Reasons at the next Superior Court, and have a trial of his said Appeals accordingly.

Read and

*Ordered* that the Petitioner forthwith serve the adverse parties with Copies of the Petition, that they shew cause, if any they have, on Thursday next if this Court be then sitting, if not, on the first Thursday of the next sitting of the Court why the Prayer of the Petition should not be granted. [*Passed August 30.*]<sup>2</sup>

Legislative  
Records of the  
Council,  
xvii. (2), 403.  
House Jour-  
nal, p. 110.

## CHAPTER 85.

### ORDER IMPOWERING REBECCA AND JON<sup>A</sup> LORING TO SELL REAL ESTATE.

A PETITION of Rebecca Loring wife of Job Loring of Rochester, and Jon<sup>A</sup> Loring his brother, shewing that the said Job is under such a decay of reason as to be utterly unable to manage his worldly affairs, and is fallen considerably into debt ; and therefore praying that for the payment of his debts and the support of himself and his Wife, the Petitioners may be empowered by this Court to make sale of his real estate, which is but small.

Read and

*Ordered*, that the Prayer of the Petition be granted and the Petitioners are hereby allowed & empowered to make sale of the Real Estate of the within named Job Loring for the Most the same will fetch and in proceeding to Observe the directions of the Act of this Province of the Sixth year of the Reign of this<sup>3</sup> late Majesty King George Chap : III, relating to the sale of Real Estates, the Produce of the sale to be put into the Hands of the Petitioner Jonathan Loring, by Him to be applied for the support & maintenance of the said Job & Rebecca during their Natural lives ; Provided the said Jonathan give sufficient caution to the Judge of Probate for the County of Plymouth that the overplus

Legislative  
Records of the  
Council,  
xvii. (2), 411 ;  
*ibid.*, xvii.,  
Mis., 223.

House Jour-  
nal, p. 110.  
Province  
Laws, ii., 151,  
chap. 19.

<sup>1</sup> At the hearing November 27, House Journal, p. 142, the petition was dismissed.

<sup>2</sup> This date is according to the House Journal ; according to Legislative Records of the Council, xvii. (2), the date is August 29.

<sup>3</sup> *Sic* ; but "His" in Legislative Records of the Council, xvii. (2), 412.

of the said sale after the decease of the said Job and Rebecca shall be paid to the Heirs & legal Representatives of the said Job Loring agreeable to the directions of Loring.<sup>1</sup> [*Passed August 30.*<sup>2</sup>]

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## CHAPTER 86.

### ORDER IMPOWERING THOS<sup>s</sup> GRAY TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xvii.,  
Mis., 224.  
Mass.  
Archives, xli.,  
520.

ON THE PETITION of Thomas Gray of Harwich in the county of Barnstable Yeoman. [*ante*, p. 681, chap. 26]

Read and

*Ordered* that the Pet<sup>r</sup> be and He hereby is Allowed and Impowered by a Writ of Review to have another Tryal of the Action within mentioned at the Next Superiour Court to be holden at Barnstable for the County of Barnstable on the last Tuesday of April next. The Petitioner to serve the Adverse Party the said Keelm Winslow with a Copy of this Petition and Order thereupon fourteen days at lest before the time of the said Court's Sitting, and the Justices of the said Court are hereby Impowered and Directed to hear and try the case, Enter up Judgment and award Execution Accordingly, the three Years being Elaps'd notwithstanding. [*Passed September 2.*]

Mass.  
Archives, xli.,  
519. Legislative  
Records of the  
Council, xvii.,  
xvii. (2), 407.  
House Jour-  
nal, pp. 31, 103.  
*Ante*, p. 681,  
chap. 26.

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## CHAPTER 87.

### ORDER DIRECTING THE PAYMENT OF PREMIUM ON HEMP TO JOS: WILLIS.

Legislative  
Records of the  
Council, xvii.,  
xvii. (2), 411;  
*ibid.*, xvii.,  
Mis., 226.

House Jour-  
nal, p. 115.

A PETITION of Josiah Willis of Sudbury; praying that he may be allowed out of the Treasury the Bounty due upon a certificate of Hemp raised in this Province which the Petitioner offered to the Treasurer. but the matter was delayed till the time allowed by the Court for those payments was expired.

Read &

*Ordered* that the prayer of the Petition be granted, and the Treasurer is hereby allowed and directed to pay out of the Public Treasury to the Petitioner the bounty due by Virtue of the said Certificate, the time by Law being Elapsed notwithstanding. [*Passed September 3.*]

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## CHAPTER 88.

### ORDER IMPOWERING DAN<sup>l</sup> PARSONS TO ENTER A COMPLAINT.

Legislative  
Records of the  
Council, xvii.,  
Mis., 225.  
Mass.  
Archives, xli.,  
515.

ON THE PETITION of Daniel Parsons of Springfield in the County of Hampshire Yeoman. [*ante*, p. 686, chap. 37]

Read and it appearing that the adverse party has been duly served with a Copy of the Petition but no Answer given in;

*Ordered* that the Prayer of y<sup>e</sup> Petition be granted & the Petitioner is allowed & empower'd to enter Complaints on the three Judgments upon

<sup>1</sup> *Sic*; but "the law" in Legislative Records of the Council, xvii. (2), 412.

<sup>2</sup> This date is according to Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (2), the date is September 3.

the Notes within mentioned at y<sup>e</sup> Next Super<sup>r</sup> Court of Judicature to be holden at Springfield within & for y<sup>e</sup> County of Hampsh. on y<sup>e</sup> Fourth Tuesday of Septem<sup>r</sup> next. And y<sup>e</sup> Justices of the Said Court, are hereby impowered & directed to hear y<sup>e</sup> Said Complaints, make up Judgments and award Executions thereupon. And the Petitioner is also impowered to file his Reasons of Appeal from the Judgments on y<sup>e</sup> Action of Ejectment & Action of the Case mentioned in the Petition at the Said Superiour Court to be holden as aforesaid, And the Justices of the Said Court are impowered & directed to hear & try the Said Appeals enter up Judgm<sup>ts</sup> & and <sup>1</sup>award Executions thereupon accordingly: The Petitioner to notify the Adverse party of [t]his<sup>2</sup> Order fourteen Days at least before y<sup>e</sup> Sitting of y<sup>e</sup> Said Court. [*Passed September 4.*]

513. Legislative Records of the Council, xvii. (2), 414. House Journal, p. 117. *Ante*, p. 686, chap. 37.

## CHAPTER 89.

### ORDER IMPOWERING ELIZABETH EDWARDS ADMINISTRATRIX AND THE COMMITTEE ON NORTH YARMOUTH TO PERFECT AN AGREEMENT.

A PETITION of Benjamin Edwards of Boston, merchant and Elisabeth his wife, Administ<sup>x</sup> of the Estate of Samuel White dec<sup>d</sup>, Shewing that the said White having sixty Acres of land in North Yarmouth, agreed with the Committee for said place, to quit fifty acres thereof for Home Lots to the Settlers, provided the other ten be confirmed to him as a Home Lot, and he to be entitled to all common Rights and future Divisions belonging to a Home Lot; but the said White died before the Agreement was executed, altho the Committee proceeded to divide the said Fifty Acres, that the General Court have confirmed the said Agreement empowering M<sup>r</sup> Whites Executors to execute it, but the said White died Intestate which the Court were not apprized of; And therefore Praying that the said Agreement may be perfected by the Petitioner the Administ<sup>x</sup> and the Survivors of the said Committee, being William Dudley Esq<sup>r</sup> and others.

Legislative Records of the Council, xvii. (2), 415; *ibid.*, xvii., Mis., 225.

House Journal, p. 33.

Read &

*Ordered*, that the Prayer of the Petition be be<sup>1</sup> granted and the former Committee or the survivors of them are hereby directed and impowered to perfect the agreement (within mentioned) accordingly. [*Passed September 4.*]

## CHAPTER 90.

### VOTE ABOUT THE EXCISE IN THE COUNTY OF PLYMOUTH.

WHEREAS the Excise for the County of Plymouth was farmed out to Thomas Foster for two years and nine months which ended in June last, and the time for granting Licences in that County is not till the eighteenth Currant, and unless there be some remedy provided the Province will be in danger of losing a considerable part of a Quarter of a year of their Excise for that County, because the Innholders and Retailers in their Accompts cannot make a distinction for such a part of the year: Therefore

Legislative Records of the Council, xvii. (2), 416.

House Journal, p. 118. *Ante*, p. 394, chap. 17.

*Voted* that the said Thomas Foster be authorized and fully impowered to collect the said Excise for the County of Plymouth until the Court for granting Licences for said County be held there on the Eighteenth Currant: Always provided he give sufficient caution or security to pay

<sup>1</sup> *Sic.*

<sup>2</sup> MS. mutilated.



in to the Province Treasurer so much money in proportion for the said three months as he hath heretofore paid into the Province Treasury for one year. [*Passed September 5.*]

## CHAPTER 91.

### ORDER IMPOWERING BENJ<sup>N</sup> TRAY TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xvii.  
(2), 418.  
Mass.  
Archives,  
xxxI., 295.

Legislative  
Records of the  
Council, xvii.,  
Mis., 228.  
House Jour-  
nal, pp. 114, 118.

A PETITION of Benjamin Tray of Natick, Indian, Shewing that he is now proceeding as Voluntier in His Majestys Service to the West Indies, and is desirous to dispose of and settle his lands amongst his Children and otherwise; And for as much as M<sup>r</sup> Oliver Peabody Minister of the said place is under straits & difficulties, therefore Praying that he may be impowered by this Court to execute a deed of Gift of Six Acres of Swamp Meadow to the said M<sup>r</sup> Peabody.

*Voted* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby allowed and Impowered to give and Execute a good Deed of Gift of the six Acres of Land herein mentioned to the Rev<sup>d</sup> Oliver Peabody. And John D'Aith and John Fisher Esq<sup>rs</sup> with such as shall be Joyn'd by the Hon<sup>ble</sup> Board be a Comm<sup>ee</sup> to See the same performed according to the true intent of the Petitioner. [*Passed September 5.*]

## CHAPTER 92.

### ORDER ALLOWING £300 TO THE BORDERERS ON THE NEW HAMPSHIRE LINE.

Legislative  
Records of the  
Council, xvii.  
(2), 419.  
Mass.  
Archives, v.,  
123.

*Ante*, p. 472,  
chap. 265.

In the House of Representatives.

*Voted* that M<sup>r</sup> Secretary Willard be directed to write to M<sup>r</sup> Agent Wilks to Supply, the proprietors or Inhabitants of that part of the province affected by the Determination of the Line Controverted with New Hampshire, or their Agent or Representative upon their preferring a Petition or Petitions to His Majesty (approved of by a Committee of this Court) with a Sum not exceeding three Hundred pounds Sterling to be taken out of the Two thousand pounds lodg'd in said Wilks's Hands for the Service of the province In managing the Controversy of the said Line

In Council.

Read & Concur'd and That William Dudley, Samuel Welles, Benjamin Lynde & Samuel Danforth Esq<sup>rs</sup> with such as shall be joined by the Honourable House be a Committee for the purpose within mentioned.

In the House of Representatives.

Read & Concur'd & M<sup>r</sup> Speaker M<sup>r</sup> Hutchinson Judge Greaves M<sup>r</sup> Bromfield & M<sup>r</sup> Cushing are Joined in the Affair any five of whom to be a Quorum.<sup>1</sup> [*Passed September 6.*]

## CHAPTER 93.

### ORDER OF NOTICE ON NATHANIEL CUNNINGHAMS PETITION FOR STAY OF EXECUTIONS.

Legislative  
Records of the  
Council,  
xvii. (2), 421.

A PETITION of Nathaniel Cunningham of Boston merchant; Shewing that thro' the sickness & absence of some of the Judges he has lost the

<sup>1</sup> Not found in the House Journal.



benefit of an Order pass'd by this Court for staying Executions on the Judgem<sup>ts</sup> obtained by George and Robert Hews against the Petitioner, till a final Judgement should be obtained at the last Session of the Superior Court held in August last; on an Action of the Petitioners against the said Hews's; and therefore Praying that the Executions on both sides may be stayed till the Superior Court to be held in February next.

Read and

*Ordered* that the Petitioner serve the adverse parties with a Copy of this Petition that they shew cause, if any they have, on the first Fryday of the next Sitting of this Court why the Prayer of the petition should not be granted; and the Executions mentioned are staid in the mean time. [*Passed September 9.*]

House Jour-  
nal, p. 122.  
*Ante*, p. 678,  
chap. 20.

## CHAPTER 94.

### ORDER CONFIRMING THE CHOICE OF OFFICERS IN THE TOWN OF CHILMARK.

A PETITION of Zaccheus Mahew Esq<sup>r</sup> and others, Inhabitants of the Town of Chilmark on Marthas Vineyard, Shewing that there were divers mistakes made in the Proceedings of the Meeting of the Inhabitants in March last, by which the choice of the Officers is called in Question by some persons; And therefore Praying that this Court would confirm the said Choice of such as shall accept, and enable them to call an other Meeting.

Read and

*Ordered*, that the choice of the Persons chosen to Office within the Town of Chilmark at their annual meeting in March last, who shall accept the same, be and hereby is declared good and Valid; and the Selectmen for the year 1739, be and hereby are fully Authorized and impowered to call a meeting of the Freeholders and other Inhabitants, qualified as the Law directs for the Choice of such town Officers as may be further necessary. [*Passed September 9.*]

Legislative  
Records of the  
Council,  
xvii. (2), 422;  
*ibid.*, xvii.,  
Mis., 228.  
House Jour-  
nal, p. 99.

## CHAPTER 95.

### VOTE ACCEPTING THE COMMITTEES REPORT ABOUT THE WAGES FOR THE TRANSPORTS.

THE COMMITTEE appointed to provide Transports &c and to consider a proper Establishment for hire of the Transports and wages for the Officers and Men, do report as their Opinion, that the hire of the Transports be at 25/ per Ton per month; that the Captains wages be at £17. 10/ per month and 15<sup>lb</sup> for their Cabin; that the Mates wages be at £12 per month; that the Coopers wages be at £10 per month; that the Stewards wages be at £10 per month; that the Sailors wages be at £8 per month; and that the Carpenters wages be at £10 per month.

Which is humbly submitted, By Order of the Committee

JACOB WENDELL.

Read & Accepted, and

*Voted* that the Hire of the Transports and the Wages of the Officers & Sailors be ascertained accordingly, and in case a sufficient<sup>1</sup> number

Legislative  
Records of the  
Council,  
xvii. (2), 424;  
*ibid.*, xvii.,  
Mis., 230.

Legislative  
Records of the  
Council,  
xvii. (2), 388,  
395, 421. House  
Journal,  
p. 124. *Infra*,  
chap. 96.

of Sailors shall not voluntarily Enlist, then that the Capt: General be desired to issue forth Orders that a sufficient number of Men be impressed for the service aforesaid. [*Passed September 10.*]

## CHAPTER 96.

### ORDER ALLOWING £400 TO THOS HUTCHINSON ESQ<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (2), 425;  
*ibid.*, xvii.,  
Mis., 231.

House Jour-  
nal, pp. 97, 124.  
*Supra*, chap.  
95.

A PETITION of Thomas Hutchinson Esq<sup>r</sup> Shewing that he was employed as a Factor by his Correspondent in Europe to lengthen and rebuild the Snow John (now taken up as a Transport in the Service of this Province) and has disbursed Fifteen Hundred Pounds of his own money: And therefore praying that the sum of Four Hundred Pounds may be advanced to him, to be deducted out of the hire of the said Snow, when it shall become due.

Read and

*Ordered*, that the sum of Four hundred pounds be granted and allowed to be paid out of the Public Treasury to the Petitioner, the said Sum to be deducted out of the hire of the said Transport, when it shall become due. Provided that in Case the said Transport shall not be so long in the Country's service as to be entitled to the said hire, then the remaining part of the said Sum to be repay'd into the Public Treasury. [*Passed September 10.*]

## CHAPTER 97.

### ORDER ESTABLISHING THE WAGES FOR THE PROVINCE SNOW.

Legislative  
Records of the  
Council,  
xvii. (2), 425;  
*ibid.*, xvii.,  
Mis., 229.

House Jour-  
nal, pp. 123, 124.  
*Ante*, p. 507,  
chap. 95.  
*Infra*, chap.  
98.

JACOB WENDELL ESQ<sup>R</sup> (from the Committee of both Houses for that affair) reported a List of Wages for the Province Snow the Prince of Orange; On which the following Vote pass'd:

*Voted* that the following Officers shall receive constant pay on board the Province Snow. Viz<sup>t</sup>

The Captain at the rate of . . . . .	Twenty pounds	£ M <sup>o</sup>
The Gunner . . . . .	Ten pounds	£. do.
The Boatswain . . . . .	Nine pounds	£. do.
Two foremast Men . . . . .	Six pounds ea <sup>1</sup>	£. do.

That the following Officers and Men be in pay only when said Snow shall be fitted out upon any Cruise or Expedition, and be allowed the Wages following Viz<sup>t</sup>

The Lieutenant at . . . . .	Fourteen pounds	£ M <sup>o</sup> .
The Master . . . . .	Twelve pounds	£ do.
The Doctor . . . . .	Twelve pounds	£ do.
The Chaplin . . . . .	Twelve pounds	£ do.
The Mate . . . . .	Eight pounds	£ do.
The Steward . . . . .	Seven pounds	£ do.
The Cook . . . . .	Seven pounds	£ do.
The Gunners Mate . . . . .	Seven pounds	£ do.
The Pilot . . . . .	Ten pounds	£ do.
The Boatswain's Mate . . . . .	Seven pounds	£ do.
The Carpenter . . . . .	Nine pounds	£ do.
The Cooper . . . . .	Seven pounds	£ do.
The Armourer . . . . .	Seven pounds	£ do.
The Sailors or Foremast Men . . . . .	Six pounds	£ do.

the number not to exceed Ninety. [*Passed September 10.*]

<sup>1</sup> *Sic.*

## CHAPTER 98.

VOTE FOR THE TERM OF ESTABLISHM<sup>T</sup> OF THE WAGES IN THE PROVINCE SNOW.Legislative  
Records of the  
Council,  
xvii. (2), 426.

*Voted* that the Establishment of the pay of the Captain, of the Gunner, of the Boatswain, and the two Foremast Men on board the Province Snow, do not exceed the space of one year from the time they enter'd into the Service. [*Passed September 11.*]

House Jour-  
nal, p. 125.  
*Supra*, chap.  
97.

## CHAPTER 99.

VOTE FOR THE APPROPRIATION OF Y<sup>E</sup> GRANT TO M<sup>R</sup> HUTCHINSON.Legislative  
Records of the  
Council,  
xvii. (2), 427.

*Voted* that the Grant of Four Hundred Pounds as pass'd the House yesterday in answer to the Petition of Thomas Hutchinson Esq<sup>r</sup> be taken out of the Appropriation of Eighteen Thousand Pounds in the Act for supply of the Treasury for Grants that are or shall be made by Order of this Court. [*Passed September 11.*]

House Jour-  
nal, p. 125.  
Province  
Laws, ii., 1013,  
chap. 2.  
*Ante*, p. 708,  
chap. 96.

## CHAPTER 100.

VOTE ADDING ANTH. STODDARD ESQ<sup>R</sup> TO THE COMM<sup>TEE</sup> ON THE AFFAIR OF THE BORDERERS ON THE LINE.Legislative  
Records of the  
Council,  
xvii. (2), 428.  
Mass.  
Archives, v.,  
124.

*Voted.* That Anthony Stoddard Esq<sup>r</sup> be Added to the Committee appointed to Consider of any petitions made or to be made to His Majesty by the Borderers on the Line that has been controverted by the Province of New Hampshire.<sup>1</sup> [*Passed September 12.*]

*Ante*, p. 706,  
chap. 92.

## CHAPTER 101.

VOTE APPROPRIATING THE CHARGES FOR WAGES &<sup>c</sup> OF THE PROVINCE SNOW.Legislative  
Records of the  
Council,  
xvii. (2), 428.

*Voted* that the sum of Fifteen Hundred Pounds (or so much thereof as may be needful) part of the Appropriation of Eighteen Thousand Pounds in the Act for the Supply of the Treasury for Grants &<sup>c</sup> be applied for the purchasing Provisions and Payment of the wages of the Officers and Men on board the Province Snow. [*Passed September 12.*]

House Jour-  
nal, p. 126.  
Province  
Laws, ii., 1013,  
chap. 2.  
*Ante*, p. 708,  
chap. 97.<sup>1</sup> Not found in the House Journal.

## CHAPTER 102.

VOTE FOR A NEW APPROPRIATION OF PART OF THE REPRESENT<sup>VES</sup>  
PAY.

Legislative  
Records of the  
Council,  
xvii. (2), 428.

House Jour-  
nal, p. 128.  
Province  
Laws, ii., 1013,  
chap. 2.

WHEREAS in the present List for the pay of the Members there is the Amount of the sum of Thirteen Hundred and Forty Three Pounds ; and there being but Nine Hundred Seventy One Pounds fifteen shillings remaining of the Appropriation for the Pay of the Members, now in the Treasury ; therefore

*Voted* that the sum of Three Hundred Seventy One Pounds five shillings be taken out of the Appropriation of Eighteen Thousand Pounds in the Act for the Supply of the Treasury, for the purposes aforesaid ; and that in the next publick Tax the said sum of £371. 5 be assessed on the several Towns in proportion to the Attendance of their respective Representatives, in the present Session of this Court. [*Passed September 12.*]

## CHAPTER 103.

ORDER OF NOTICE ON THE PETITION OF JOHN FISHER ESQ<sup>R</sup> FOR  
REHEARING A CAUSE WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (2), 431.

House Jour-  
nal, p. 125.

A PETITION of John Fisher of Needham Esq<sup>r</sup> Shewing that Nathaniel Ames of Dedham brought his Writ of Review of an action of Debt between him and the Petitioner to the Superior Court of Judicature held at Boston for the County of Suffolk in February last, and Judgement went against the Petitioner (as he conceives) for want of his most material Witness, who had broke his arm the night before the Tryal ; And therefore Praying that he may be admitted to a re-hearing of the said cause at the next Superior Court for said County.

Read, and

*Ordered* that the Petitioner serve the adverse party the said Nathan<sup>l</sup> Ames with a Copy of this Petition, that he shew cause, if any he have, on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted ; and Execution is hereby stayed in the mean time. [*Passed September 12.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIRST DAY OF NOVEMBER, A.D.  
1740.

## CHAPTER 104.

ORDER OF NOTICE ON RICH<sup>d</sup> FRYS PETITION TO ENTER AN APPEAL.

A PETITION of Richard Fry, shewing that while he was a prisoner in Boston, a Writ was served upon him at the suit of Joseph Plummer, to be tried at the Inferior Court of Common Pleas for the County of York, that he employed a person to appear for him, directing him to appeal to the Superior Court held in June 1739, but the said Person failed him, and Judgement went against him by default; and therefore Praying that Execution may be staid, and that he may have an opportunity to appeal to the next Superior Court for said County.

Legislative  
Records of the  
Council,  
xvii. (2), 413,  
439.  
House Jour-  
nal, p. 131.

Read and

*Ordered* that the Petitioner serve the adverse Party the said Joseph Plummer with a copy of this Petition, that he shew cause if any he have, on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted and the executions within mentioned are stayed in the meantime. [*Passed November 24.*]

## CHAPTER 105.

ORDER OF NOTICE ON NORTH YARMOUTH PETITION FOR LEAVE TO  
LEVY A TAX.

A PETITION of Ammi Ruhamah Cutter in behalf of the Inhabitants of the Town of North Yarmouth; setting forth the great charges they have been at in the support of their Ministers and in Bridges, Highways &c and Praying that this Court would grant them a Tax to be levied on all the unimproved lands in the said Town at Two pence per Acre for this present year, and of One penny per Acre for the four years next ensuing to defray their necessary charges.

Legislative  
Records of the  
Council,  
xvii. (2), 440.  
House Jour-  
nal, p. 131.

Read and

*Ordered* that the Petitioners give notice in the publick prints to the Non Resident Proprietors of Lands in the Township of North Yarmouth of this Petition and Order, that so they may shew cause (if any they have) on the first Fryday of the next Sitting of this Court, why the Prayer thereof should not be granted. [*Passed November 25.*]



## CHAPTER 106.

## ORDER ALLOWING LIEUT JOHN LARRABEE PAY FOR A SERVANT.

Legislative  
Records of the  
Council, xvii.  
(2), 441.  
Mass.  
Archives,  
lxxii., 544.

Legislative  
Records of the  
Council, xvii.,  
Mis., 233.  
House Jour-  
nal, pp. 136, 139.  
*Ante*, p. 697,  
chap. 69.

A PETITION of John Larrabee, Lieuten<sup>t</sup> of Castle William Shewing that he has an allowance in the Establishment of the Garrison there for wages for a White servant, but forasmuch as he has now no White Servant, but a Negroe man very capable of Service; therefore praying that he may be allowed wages for said Negroe.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, that the Pet<sup>r</sup> be allowed the Same Pay for His Negro's Service as is Establish'd for a White Servant. [*Passed November 26.*]

## CHAPTER 107.

## ORDER IMPOWERING BETTY FAIRBANKS TO SELL A HOUSE AND LAND.

Legislative  
Records of the  
Council, xvii.  
(2), 442;  
*ibid.*, xvii.,  
Mis., 244.

House Jour-  
nal, pp. 137, 142.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Betty Fairbanks late Widow of Benjamin Hall late of Wrentham dec<sup>d</sup> and Nath<sup>l</sup> Fairbanks and Robert Blake Guardians of the Children of the said Hall; Praying for liberty from this Court to sell the House and Land of which the said Hall died seized, and to lay out the produce thereof in other lands which will be much more advantageous for the said Children.

Read and

*Ordered* that the Prayer of the Petition be granted and the Petitioners are hereby allowed and impowered to make sale of the House and land within mentioned (they attending the direction of the Law of this Province empowering Executors & Administrators to sell Real Estates) for the most the same will fetch, the purchase money Arising thereby to be invested in some other lands more advantageous to the within mentioned Minors according to the Prayer of the Petition And that the Petitioners make returns of their doings hereon, to this Court on the second Wednesday of the next May Session. [*Passed November 27.*]

## CHAPTER 108.

## ORDER ON THE PETITION OF THE FIRST PARISH IN GLOCESTER, DIRECTING A NEW PLAT TO BE TAKEN OF THE LAND REFERRED TO THEREIN.

Legislative  
Records of the  
Council, xvii.  
(2), 445.

Mass.  
Archives,  
ccxlii., 56.  
House Jour-  
nal, p. 139.  
*Ante*, p. 655,  
chap. 186.

A PETITION of Epes Sergeant Esq<sup>r</sup> and Daniel Witham in behalf of the Inhabitants of the first Parish in Glocester, complaining that Nath<sup>l</sup> Coit and others, who have petitioned to be set off from said Parish and were ordered to take an exact Plat of said Parish, have, instead of employing indifferent persons under Oath as Chain men, carried the Chain them selves by turns, and were not under Oath; therefore praying that the said Plat may be rejected.

Read, and forasmuch as it appears to this Court that the persons who carried the Chain in order to take the Plat within refer'd to, were interested and not sworn: Therefore

*Ordered* that a new Plat be taken by disinterested persons and under Oath, and that the Plat be returned to this Court by the first Tuesday

in January next, if the Court be then sitting, if not, on the first Tuesday of the next Sitting of the Court; and the further consideration of the petition within refer'd to is continued till that time. [*Passed November 27.*<sup>1</sup>

## CHAPTER 109.

ORDER IMPOWERING JN<sup>o</sup> FISHER ESQ<sup>r</sup> TO BRING FORWARD A WRIT OF REVIEW.

ON THE PETITION of John Fisher of Needham in the County of Suffolk Esq<sup>r</sup> [*ante*, p. 710, chap. 103]

Read together with the answer of Nath<sup>l</sup> Ames; And the Matter being fully considered

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby Impowered to Review the Case mentioned in the Petition at the Superior Court of Judicature to be holden at Boston for the County of Suffolk on the Second Tuesday of February next and the Justices of the Said Court are Impowered and Directed to hear and try the same and Enter up Judgment and Award Execution accordingly, the Writt of Review to be Served fourteen Days at least before the Sitting of the Said Court. [*Passed November 28.*

Legislative Records of the Council, xvii., Mis., 231. Mass. Archives, xli., 568.

Mass. Archives, xli., 565–571. Legislative Records of the Council, xvii. (2), 444. House Journal, p. 141. *Ante*, p. 710, chap. 103.

## CHAPTER 110.

ORDER ALLOWING NATH<sup>l</sup> GILL £135.

A PETITION of Nathaniel Gill of Hingham, Shewing that in the Year 1738 being Constable of the said Town he had collected One Hundred and thirty<sup>2</sup> pounds in Bills of this Province for the Province Tax, and while the money was in his hands, his house was burnt with most of his furniture and all that money consumed to ashes; Praying that the said sum may be allowed to him out of the Publick Treasury or discounted to him.

Read, and in answer hereto:

*Ordered* that the Treasurer be and hereby is impowered and directed to deliver to or discount with the Petitioner the within mentioned sum of One Hundred and thirty five<sup>2</sup> pounds in lieu of the like value of Bills of Credit consumed as within mentioned. [*Passed November 28.*

Legislative Records of the Council, xvii. (2), 446.

Legislative Records of the Council, xvii., Mis., 234. House Journal, p. 141.

## CHAPTER 111.

ORDER GRANTING TO THO: RICHARDSON A LICENSE TO KEEP A TAVERN.

A PETITION of Thomas Richardson of Leicester in the County of Worcester, Shewing that he has been licenced as an Inn holder in said Town for divers years past, but thrô some partiality of the Select men he was denied his licence for the present year, althô he has built him a commodious house for that purpose; And therefore praying that this Court would grant him a licence to keep an Inn till the time by law

Legislative Records of the Council, xvii. (2), 446. Mass. Archives, cxi., 109.

Mass. Archives, cxi.,

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (2), the date is November 28.

<sup>2</sup> £135, according to Executive Records of the Council, x., 488.

107. Legislative Records of the Council, xvii., Mis., 233. House Journal, p. 142.

appointed for granting licences, when he doubts not to obtain it in the usual method.

Read and in answer to this Petition

*Ordered* that the Justices of the County of Worcester at the next General Sessions of the Peace to be held at Worcester afores<sup>d</sup> be Allowed and Impowered (if they see cause) to Grant the Petitioner a Licence to keep a Tavern in said Town of Leicester for the present Year (Provided the Pet<sup>r</sup> be Approbated by the Select Men of said Town) the time for Granting Licences being Elapsed notwithstanding. [*Passed November 28.*]

## CHAPTER 112.

### VOTE ALLOWING JOHN BROCK'S WAGES AT £6 PER MONTH.

Legislative Records of the Council, xvii. (2), 447.

House Journal, pp. 136, 139, 144. *Ante*, p. 697, chap. 69.

A PETITION of John Brock Gunners mate at Castle William; Shewing that when upon the new Establishment of the Garrison there, the other Officers and the Soldiers pay was enlarged, but he was forgotten; And therefore praying that his pay may be raised in proportion to the rest of the garrison.

Read and

*Voted* that the Petitioner be allowed six pounds per month wages while he is retained in the service as Gunners Mate, and attends that service and performs the duty of that post. [*Passed November 28.*]

## CHAPTER 113.

### ORDER ON NATH<sup>l</sup> CUNNINGHAM'S PETITION FOR STAY OF EXECUTIONS.

Legislative Records of the Council, xvii., Mis., 232. Mass. Archives, xli., 564.

Mass. Archives, xli., 562. Legislative Records of the Council, xvii. (2), 447. House Journal, pp. 143, 144. *Ante*, p. 706, chap. 93.

ON THE PETITION of Nathaniel Cunningham of Boston Merchant. [*Ante*, p. 706, chap. 93]

Read, together with the Answer of George and Robert Hewes, which is consenting thereto, and

*Ordered* That the Prayer of the Petition be granted, and that all Executions between the Parties be and hereby are Staid accordingly. [*Passed November 28.*]

## CHAPTER 114.

### VOTE ALLOWING £120 AND A FURTHER SUM OF £41. 9 TO ROBT<sup>t</sup> BALL.

Legislative Records of the Council, xvii. (2), 449; *ibid.*, xvii., Mis., 234.

House Journal, pp. 142, 144.

A PETITION of Robert Ball Keeper of the Light house praying that this Court would make him an Allowance for his service the last year, as also allow him the sum of £41. 9 for fire wood he has used for the benefit of the Lights in the Winter.

Read and

*Voted* that the sum of One hundred & twenty pounds in Bills of the Old Tenor be allowed to be paid out of the Public Treasury to the Petitioner Robert Ball in full for his services as Light-House Keeper the last year ending Nov: 8. 1740, & also the further sum of forty One pounds nine Shillings in said Bills of the Old Tenor to reimburse him the Charge of Firewood for the greater Benefit & advantage of the Light. [*Passed November 29.*]

## CHAPTER 115.

## ORDER FOR ADJOURNING THE BRISTOL COUNTY COURTS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 235.  
Mass.  
Archives, xli.,  
627.

Legislative  
Records of the  
Council,  
xvii. (2), 450.  
House Jour-  
nal, p. 149.

*Voted* that the Court of Gen<sup>l</sup> Sessions of the Peace and Inferiour Court of Common Pleas by Law Appointed to be held at Bristol in and for the County of Bristol the Second Tuesday of Dec<sup>r</sup> Instant, be adjourn'd to the first Tuesday of February next and then be held at Bristol Afores<sup>d</sup> and all Persons concerned are to Conform accordingly. And the sheriff of the Said County is hereby Required forthwith to give publick Notice hereof by Posting up Notifications in the Several Towns of the said County. [*Passed December 2.*]

## CHAPTER 116.

## ORDER AUTHORIZING THE APPOINTMENT OF AN ADMINISTRATOR ON THE ESTATE OF ISRAEL FORD.

Legislative  
Records of the  
Council,  
xvii. (2), 451;  
*ibid.*, xvii.,  
Mis., 235.

House Jour-  
nal, pp. 142, 144.

A PETITION of Nathaniel Ford of Weymouth Administ<sup>r</sup> of the Estate of his late Brother Israel Ford, Shewing that by reason of some circumstances in the said Estate it can not be settled and divided among the heirs according to the directions of the law in that case made and provided; And therefore Praying that the Judge of Probate for the County of Suffolk may be impowered to settle the Real Estate on one of his Brothers, he giving Bond to pay the other Heirs, as in case of a Parents Estate not capable of Division.

Read and in Answer thereto

*Voted*, that the Judge of Probate for the County of Suffolk be impowered to settle the Estate abovementioned on One of the Brethren of the deceased, He giving proper Caution to said Judge for the due Administration of said Estate and for securing the Maintenance of the said Joanno Foord. [*Passed December 2.*]

## CHAPTER 117.

## ORDER APPOINTING A COMMITTEE ON THE BOSTON SELECT MENS PETITION ABOUT BUILDING WHARF AND SHED AT RAINSFORD ISLAND HOSPITAL.

Legislative  
Records of the  
Council,  
xvii. (2), 452.  
Mass.  
Archives, lxxxvii., 285.

Mass.  
Archives,  
lxxxvii., 284.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 235.  
House Jour-  
nal, pp. 144, 148.  
Province  
Laws, ii., 943,  
chap. 8.

A PETITION of the Select Men of the Town of Boston Shewing that notwithstanding all the accommodations at the Province Hospital at Rainsfords Island, a Wharf is wanting for the landing of goods from the infectious vessels, Praying that this Court would order that a convenient Wharf and Shed may be built for landing & securing such goods as may need to be aired and cleared of infection at Rainstords Island aforesaid.

In the House of Rep<sup>ves</sup>

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, and that M<sup>r</sup> Prout and M<sup>r</sup> Bromfield with such as shall be Joyn'd by the Hon<sup>ble</sup> Board be a Comm<sup>ee</sup> to See the Said Buildings Effectuated Accordingly

In Council,

Read & Concur'd and John Jeffries Esq<sup>r</sup> is joined in the Affair. [*Passed December 2.*]

## CHAPTER 118.

## ORDER IMPOWERING THE LEICESTER PROPRIETORS TO ASSESS TAXES ON LAND.

Legislative  
Records of the  
Council, xvii.  
xvii. (2), 452;  
*ibid.*, xvii.,  
Mis., 243.

Mass.  
Archives, xii.,  
170. House  
Journal, p. 148.

A PETITION of Samuel Tyley, Clerk of the Proprietors of the Westerly part of the Town of Leicester; Shewing that the said Proprietors at their meeting held the 23<sup>d</sup> of January last voted that the Lands there be subjected to a Tax of three pence per Acre for this present year, and two pence per Acre annually for the two next years, and on the 29<sup>th</sup> of October last chose Samuel Bemus, Jonathan Lamb, and Moses Smith Assessors to assess the said Tax and Messieurs James Allen, Josiah Langdon, Samuel Hunt, Samuel Bemus and James Wilson a Committee for the Proprietors with power to appoint Collectors to levy the said Tax, as they, the said Committee, shall from time to time direct; praying this Court to confirm the said Votes and Elections.

Read and

*Ordered* that the Prayer of the Petition be granted, And the said Assessors are hereby confirmed, and they or Any two of them are empowered to assess said Proprietors Lands, at three pence per Acre for this present Year, and two pence per Acre for each of the two succeeding Years, And the Committee of the Proprietors within mentioned or the major part of them are hereby empowered to appoint Collectors to Collect the said Tax Accordingly. [*Passed December 2.*]

## CHAPTER 119.

## ORDER ABOUT THE ESTATES MORTGAG'D FOR THE £100,000 LOAN.

Legislative  
Records of the  
Council, xvii.,  
Mis., 237.  
Mass.  
Archives, cii.,  
95.

Legislative  
Records of the  
Council, xvii.  
(2), 459.  
House Jour-  
nal, p. 155.  
Province  
Laws, ii., 63,  
chap. 18,  
*Inte.*, p. 695,  
chap. 64.

WHEREAS this Court, on the ninth day of July last, empowered William Dudley, John Jeffries, Thomas Hutchinson Esq<sup>r</sup> and M<sup>r</sup> Edward Bromfield, in Conjunction with M<sup>r</sup> TREASURER FOYE, to demand and receive of the Commissioners for the hundred thousand pounds Loan, all Such mortgages or Titles what Soever as they might have to any Estates: Since which time Several of the Said Commissioners have Settled their Accounts with the Said Committee, deliver'd to them Such mortgages &c as they had in their hands, and have been discharg'd But no Power was given by the former Order to Sue for or dispose of Such Estates as now are or may hereafter come to their hands from the afore-said Commissioners

THEREFORE

*Ordered* That the Committee beforenamed, or any three of them be and hereby are fully authorised and empowered, in their own Names, or in the Names of the Surviving Commissioners of the Loan aforesaid, in behalf of this Court, and for the use of the Province, to put in Suit all Such Deeds of mortgage, Leases or other Titles whatsoever as they have or may receive of Such Commissioners; and, on recovery of the Same, to make Sale thereof to any Person who shall give most for the Same, and execute, in due form of Law, Deeds for Conveyance thereof; which Instruments Shall make a good Title to the Purchaser: And that the Committee render an Account of their Proceedings to this Court, as soon as may be. [*Passed December 8.*]



## CHAPTER 120.

## ORDER ERECTING THE NORTHERLY PART OF WORCESTER INTO A SEPARATE TOWNSHIP.

A PETITION of John Biglow and Cyprian Stevens for for<sup>1</sup> themselves and the rest of the Inhabitants of the Northerly part of the Town of Worcester; Shewing that they have obtained the consent of the said Town, declared by their Vote pass'd in a lawful Meeting of the Inhabitants, to the said Northerly Part being set off a separate Township; praying for the Consent of this Court.

Read and

*Ordered* that the Prayer of the Petition be granted and the Petitioners Are Allowed and Impowered to bring in a Bill Accordingly. [*Passed December 9.*]

Legislative  
Records of the  
Council,  
xvii. (2), 460.  
Mass.  
Archives,  
cxiv., 558.

Legislative  
Records of the  
Council, xvii.,  
Mis., 243.  
House Jour-  
nal, pp. 20, 130,  
155. Province  
Laws, ii., 1043,  
chap. 16.

## CHAPTER 121.

ORDER IMPOWERING CHAS<sup>S</sup> PIERCE ESQ<sup>R</sup> TO SELL LAND.

A PETITION of Charles Pierce of Newbury; Shewing that he is in possession of Lands in Newbury which he holds as Heir in Tail to his Grandfather and Father, which are called Rate Rights, which are of little profit to him, as they ly; and therefore Praying for liberty from this Court to sell the said Lands, notwithstanding the Entail.

Read and

*Ordered* that the prayer of the Petition be granted, and that the Petitioner be impowered to sell the land within mentioned; He giving sufficient security to the Judge of Probate for the County of Essex, that the money arising by said Sale be applied to the purchasing of other Lands to the Use of the Heir in Tail. [*Passed December 10.*]

Legislative  
Records of the  
Council,  
xvii. (2), 462;  
*ibid.*, xvii.,  
Mis., 238.

House Jour-  
nal, pp. 149, 157.

## CHAPTER 122.

## ORDER OF NOTICE ON THE PETITION OF THE TREASURER OF HARVARD COLLEGE IN REGARD TO BOUNDARY LINES.

A PETITION of Edward Hutchinson Esq<sup>r</sup> Treasurer of Harvard College, Shewing that about Twenty years agoe the Lines between the Town of Hopkinton and that part of Sherburn now called Holliston were run and mark'd out, but can not now be found in some places; And therefore Praying this Court to appoint a Committee to run and establish the said Bounds to prevent Disputes.

Read and

*Ordered* That the memorialist Serve the Town of Holliston with a Copy of this Petition that so they may Shew Cause if any they have on Wednesday the fourteenth of January next, if the Court be then Sitting, if not on the first Thursday of the next Sitting of the Court why the Prayer thereof should not be granted. [*Passed December 12.*]

Legislative  
Records of the  
Council,  
xvii. (2), 465.  
Mass.  
Archives,  
cxiv., 575.  
House Jour-  
nal, p. 161.

<sup>1</sup> *Sic.*

## CHAPTER 123.

ORDER ALLOWING CPT. BENJ<sup>n</sup> LARRABEE £4 PER MONTH.

Legislative  
Records of the  
Council,  
xvii. (2), 465;  
*ibid.*, xvii.,  
Mis., 242.

House Jour-  
nal, pp. 144, 159.

A PETITION of Benjamin Larrabee Shewing that his pay as Commander of Fort George is insufficient for his support; and therefore Praying for an enlargement thereof.

Read and in Answer hereto

*Ordered* that there be and hereby is allowed to the Petitioner Four pounds per month Wages from the twentieth day of November last. [*Passed December 12.*]

## CHAPTER 124.

ORDER IMPOWERING SAM<sup>l</sup> ADAMS TO ENTER A COMPLAINT.

Legislative  
Records of the  
Council,  
xvii. (2), 451.  
Mass.  
Archives, xli.,  
555.

Mass.  
Archives, xli.,  
554. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 240;  
*ibid.*, xvii. (2),  
466. House  
Journal,  
pp. 140, 161.

A PETITION of Samuel Adams Clerk of the Second Foot Company in Brantree; Shewing that he obtained Judgement against Samuel Ruggles of said Company for not training, from which the said Ruggles appealed to the Inferior Court of Common Pleas for the County of Suffolk and filed his Reasons of Appeal, but failed of prosecuting his Appeal; And the Petitioners Attorney thro' inadvertency neglected to file his complaint; praying that he may be allowed to file his complaint at the next Court, and that the Court may proceed thereon.

Read & it appearing that Samuel Ruggles above mentioned has been served with a Copy of the Petition but no Answer given in;

*Ordered* that the Prayer of the Petition be granted, And the within named Sam<sup>l</sup> Adams is hereby allowed & impowered to enter his Complaint on the Judgment within mentioned in the Infe<sup>r</sup> Court of Common Pleas to be held at Boston in & for the County of Suffolk on the first Tuesday of January next; And the Justices of the said Court are hereby impowered & directed to hear the same & make up Judgm<sup>t</sup> thereupon, & award Execution accordingly. [*Passed December 12.*]

## CHAPTER 125.

## VOTE ALLOWING THE ACCOMPT OF THE CO. TREASURER OF PLYMOUTH.

Legislative  
Records of the  
Council,  
xvii. (2), 467;  
*ibid.*, xvii.,  
Mis., 240.

House Jour-  
nal, pp. 143, 160.

THE ACCOMPT of the Treasurer of the County of Plymouth for the year 1739 having been laid before the Court of General Sessions of the Peace for the said County and by them allowed.

*Voted* that the within Accompt be allowed and the ballance due to the said County being One hundred Twenty seven pounds fifteen Shillings & Six pence the Treasurer is further Accountable to said County for. [*Passed December 13.*]

## CHAPTER 126.

ORDER ACCEPTING THE COMMITTEES REPORT ON THE PETITION OF  
EPH<sup>M</sup> HAYWARD & OTHERS.

PURSUANT to an Order of the General Court passed in August last, upon the Petition of Ephraim Hayward &c, Inhabitants of the Westerly part of the Town of Brookfield, and of Brimfield and Kingsfield, so called, We the Subscribers have attended the service therein mentioned, viewed the land Petitioned for considered the Circumstances of the Petitioners & heard the Parties Concerned And upon the Whole are of Opinion that the Land (together with the Inhabitants thereon) described in a Plan herewith presented, be set off and Erected into a Seperate and distinct Township, to lie in the County of Worcester; But in as much as the new projected Town comes to the River in the Country Road, where there is a Bridge called Markes<sup>1</sup> Bridge over said River, That the said new Town<sup>2</sup> shall make and maintain the one half of said Bridge, and the Town of Brookfield the other half, And the Petitioners have have<sup>3</sup> leave leave<sup>3</sup> to bring in a Bill accordingly. Which is humbly submitted

Legislative  
Records of the  
Council, xvii.,  
Mis., 241.

Mass.  
Archives,  
cxiv., 577.  
Legislative  
Records of the  
Council,  
xvii. (2), 468.  
House Jour.  
nal, pp. 160, 161.  
Province  
Laws, ii., 1088,  
chap. 17.  
*Ante*, p. 701,  
chap. 78.

By JOSEPH WILDER  
WILLIAM LYON.

Boston Dec<sup>r</sup> 9. 1740.

Read &

*Ordered* that this report be accepted. [*Passed December 16.*<sup>4</sup>

## CHAPTER 127.

ORDER IMPOWERING TREAS<sup>R</sup> FOYE TO ISSUE A WARRANT TO THE  
TOWN OF GLOUCESTER TO ASSESS A TAX OF £163. 11. 11.

A MEMORIAL of William Foye Esq<sup>r</sup> Treasurer of the Province; Shewing that his Warrant to the Town of Glocester for levying their Province Tax, by some Accident (to the Memorialist unknown) miscarried; that as soon as he was informed of it he issued an other Warrant, which they refused to obey as being out of time; praying for the direction of this Court.

Legislative  
Records of the  
Council,  
xvii. (2), 469;  
*ibid.*, xvii.,  
Mis., 243.  
House Jour.  
nal, p. 164.

Read &

*Ordered* that the Treasurer be directed & impowered to issue out a Warrant to the assessors of the Town of Glocester for the year 1740. to assess the said Sum of One hundred Sixty three pounds Eleven Shillings and Eleven pence upon the Inhabitants of the said Town, they to make their return according to the direction of the said Warrant. [*Passed December 16.*

<sup>1</sup> The House Journal and Legislative Records of the Council, xvii. (2), read, "Market."

<sup>2</sup> The town was called "Western" in 1834, afterwards Warren.

<sup>3</sup> *Sic.*

<sup>4</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is December 12.

## CHAPTER 128.

ORDER IMPOWERING SAM<sup>L</sup> BURNEL TO FILE AN APPEAL FROM TWO JUDGMENTS WITH STAY OF EXECUTIONS.

Legislative  
Records of the  
Council,  
xvii. (2), 455.  
Mass.  
Archives, xli.,  
557.

Mass.  
Archives, xli.,  
556–559. Legis-  
lative Records  
of the Council,  
xvii. Mis., 239;  
*ibid.*, xvii. (2),  
470. House  
Journal,  
pp. 110, 151, 164.  
*Ante*, p. 703,  
chap. 84.

A PETITION of Samuel Burnel of Boston, Shewing that at the Inferior Court held at Boston for the County of Suffolk he was Defendant in two Actions, one brought by Jonathan Burnel and others, and the other by William Nichols; in both which Judgement was against him, from which he appealed to the next Superior Court; but his Attorney being suddenly called out of the Province, omitted filing Reasons of Appeal; And therefore praying that he may be now allowed to file his reasons of Appeal, and have a trial of said Actions at the next Superior Court of Judicature for the said County.

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, & the Pet<sup>r</sup> is hereby allowed and empowered to file his Reasons of Appeal from the two Judgments within mentioned in the Clerks Office of the Inferior Court of Common Pleas for the C<sup>o</sup> of Suffolk fourteen days at least before the Sitting of the Sn<sup>r</sup> Court of Judicature &c<sup>a</sup> to be held in the s<sup>d</sup> County of Suffolk on the Second Tuesday in February Next: And the Justices of the s<sup>d</sup> Court are hereby empowered & directed to hear & try the s<sup>d</sup> Action upon the Appeal, enter up Judgment & award Execution accordingly. The Pet<sup>r</sup> to give Notice of this Order to the the<sup>1</sup> said Jon<sup>a</sup> Burnell & William Nichols at or before the time of his filing his Reasons of Appeal; And Execution on the s<sup>d</sup> Judgm<sup>ts</sup> is staid in the mean time; The Costs already sustained to remain as they are. [*Passed December 16.*]

## CHAPTER 129.

## ORDER IMPOWERING JOHN HAWKS AND WIFE TO FILE AN APPEAL FROM A JUDGMENT WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (2), 461,  
471; *ibid.*,  
xvii. Mis., 242.

Mass.  
Archives, xli.,  
580. House  
Journal,  
pp. 153, 165, 166.

A PETITION of John Hawks and Lydia his Wife, Shewing that the Superior Court of Judicature held at Salem for the County of Essex in November last, were pleased to quash their Reasons of Appeal in a cause between the Petitioners and Hannah Burrill; praying for liberty to file new Reasons of Appeal and have a trial on the Merits, and that Execution be staid in the mean time.

Read, together with the answer of Hannah Burrell; and the matter being fully considered:

*Ordered* that the Petitioners be allowed to file their reasons of Appeal from the Judgment of the said Inferiour Court, at the next Superiour Court to be holden for the County of Essex, And the Justices of the said Court are hereby empowered & directed to hear and try the same and Enter up Judgment and award Execution accordingly. The Petitioners to give Notice to the Adverse party of this Order, and to file his reasons of Appeal in the Clerk's Office of the inferiour Court of Common Pleas for said County fourteen days at least befor the sitting of the said Superiour Court, and the Execution within mentioned is Stayed in the meantime: The Costs already sustained to remain as they are. [*Passed December 17.*]

<sup>1</sup> *Sic.*

## CHAPTER 130.

ORDER APPOINTING A COMMITTEE ON PETITION OF STEPH. DAVID,  
INDIAN, TO SELL LAND.

A PETITION of Stephen David of Middleborô, Indian; Shewing that by reason of Sickness and imprisonment he is run greatly into Debt, and therefore Praying that this Court would give him liberty to sell Fifty Acres of Land being part of Five Hundred Acres in Middleborô lying on the North side of Trout Brook, belonging to the Petitioner.

Legislative  
Records of the  
Council,  
xvii. (2), 472.  
House Jour-  
nal, p. 166.

In the House of Represent<sup>ves</sup> Read and

*Ordered* that Cpt. Edson with such as shall be joined by the Hon<sup>ble</sup> Board be a Committee to consider this Petition, and report what they judge proper for this Court to do thereon at the next Session.

In Council; Read and Concur'd, and Coll: Cushing is joined in the affair. [*Passed December 18.*]

## CHAPTER 131.

ORDER APPOINTING A COMMITTEE ON PETITION OF PATIENCE KEWOPS,  
INDIAN WOMAN, TO SELL LAND.

A PETITION of Patience Kewops of Pembroke, Indian Woman, Shewing that she is the Proprietor of a considerable quantity of land in said place, but can have little or no profit by it as it lies, and being advanced in years and not able to do much for her support, she has been obliged to contract considerable debts for her maintenance; And therefore praying for liberty from this Court to sell part of her Lands to discharge her debts and for her more comfortable support.

Legislative  
Records of the  
Council,  
xvii. (2), 473;  
*ibid.*, xvii.,  
Mis., 241.  
House Jour-  
nal, p. 167.

In the House of Representatives Read and

*Ordered* that Cap<sup>t</sup> Edson with such as the Honorable Board shall join be a Committee to Consider the Circumstances of the Petitioner and Report what they judge proper for this Court to do thereupon.

In Council Read & Concurred and John Cushing Esq<sup>r</sup> is joined in the Affair. [*Passed December 19.*]

## CHAPTER 132.

VOTE FOR FURNISHING GOODS FOR TRADE WITH THE INDIANS AT THE  
FORT AT BRUNSWICK.

*Voted* that the Officer for Managing the Truck Trade with the Indians be and hereby is directed to Furnish the Commanding Officer of the Fort at Brunswick with a Sufficient Quantity of Goods, out of the Stock of the Truck Trade of Suitable kinds to Supply such of the Indians as commonly Resort there, the more firmly to Attach them to the Interest of this Govern<sup>t</sup> the said Officer to be Accountable in the same Manner as the Several Truck Masters in the Truck Houses are, and shall have allow'd him for his Said service after the Rate of five p<sup>c</sup> C<sup>t</sup> for such Goods as He shall Sell from time to time to Supply the Indians as aforesaid. [*Passed December 30.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 246.  
Mass.  
Archives,  
cxix., 362.  
Legislative  
Records of the  
Council,  
xvii. (2), 481.  
House Jour-  
nal, p. 178.



## CHAPTER 133.

## VOTE GRANTING SETH DWIGHT EQUIVALENT LAND FOR LAND GIVEN UP.

Legislative  
Records of the  
Council,  
xvii. (2), 483.  
Mass.  
Archives,  
xlvii., 112.

Mass.  
Archives,  
xlvii., 111.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 251.  
House Jour-  
nal, p. 177.  
*Ante*, p. 245,  
chap. 272.

A PETITION of Seth Dwight, Shewing that this Court by confirming a Tract of Land laid out to the Assigns of John Alden Esq<sup>r</sup> took from the Petitioner a tract of four hundred acres of land, for which he received a Deed from the Committee of Housatannuck as an Equivalent for a Right he resign'd to them for accommodating the Indians of Housatannuck with land for a Township; And therefore Praying for a Grant of Land in satisfaction for what was taken from him above mentioned.

In the House of Rep<sup>res</sup>

Read and in Answer thereto

*Ordered* that the Petitioner for his Right which He had in the Indian Town on Houssatonnoc River have an Equivalent granted him in the Unappropriated Lands of the Province in the County of Hampshire the Quantity to be Ascertain'd by the Equivalent Committee for the Indian Town now called Stockbridge according to their best Judgment. And that the Petitioner return a Platt thereof to this Court within twelve Months for confirmation.

In Council Read & Concur'd, And that the deed mentioned in the Petition be null & avoid

In the House of Rep<sup>res</sup>

Read and Concur'd. [*Passed December 31.*]

## CHAPTER 134.

## ORDER ALLOWING CPT. JOHN LARRABEE £958 FOR VICTUALLING THE GARRISON AT CASTLE WILLIAM.

Legislative  
Records of the  
Council,  
xvii. (2), 486;  
*ibid.*, xvii.,  
Mis., 252.

House Jour-  
nal, p. 180.

A PETITION of Capt. John Larrabee; Shewing that his accompt of victualling Castle William is pass'd by the Governor and Council, but the Appropriation out of which it should properly come is exhaus[t]ed; and for as much as there remains a sum sufficient in the Treasurers hands, being the surplusage of £1,334. 1. 9 and £1,334. 1. 10 in Bills of the New Tenor issued in the year 1738; praying that his Accompt may be paid out of the said Appropriations.

Read &

*Ordered* that the prayer of the Petition be granted, and the Treasurer be and hereby is directed to answer such draughts as shall be made by the Governour & Council for the purposes aforesaid, out of the two abovementioned appropriations. [*Passed January 1.*]

## CHAPTER 135.

## ORDER ALLOWING £20 TO ROBT WILSON.

Legislative  
Records of the  
Council,  
xvii. (2), 487;  
*ibid.*, xvii.,  
Mis., 248.

House Jour-  
nal, pp. 179, 180.

A PETITION of Robert Wilson, Shewing that he was dangerously wounded in the late Indian War, in consideration of which he has been divers times allowed some thing for his support. And for as much as he is still disabled from labour by his wounds; Therefore Praying for some further relief from this Court.

Read &amp;

*Voted* that the sum of Twenty pounds bills of Credit be allowed and paid out of the Public Treasury to the Overseers of the Poor of the Town of Boston to be by them distributed to the Petitioner Robert Wilson as his Occasions require. [*Passed January 1.*]

*Ante*, p. 617,  
chap. 114.

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## CHAPTER 136.

### VOTE ALLOWING £50 TO THE MINISTER AT PROVINCE TOWN.

A PETITION of the Select men of Province Town, Setting forth the many Difficulties they have been lately under, which have extreamly lessened and impoverished the Inhabitants there, so that they are not able (tho very willing) to support their Minister who has therefore left them; And for as much as the Province are the Proprietors of their lands, therefore praying for relief from this Court.

Read, and in as much as the Inhabitants of Province Town are few and unable of themselves to support the Gospel Ministry Among them, and that a Society Continuing in said Town may be of Public Advantage (especially if there should be a French Warr) Therefore

*Voted* that there be allowed [and paid]<sup>1</sup> out of the Public Treasury the sum of fifty pounds per Annum to the Minister that shall Preach the Gospel there the two next succeeding Years. [*Passed January 1.*]

Legislative  
Records of the  
Council, xvii.,  
(2), 488;  
*ibid.*, xvii.,  
Mis., 247.

House Jour-  
nal, pp. 160, 181.

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## CHAPTER 137.

### ORDER ACCEPTING THE COMMITTEES REPORT ABOUT RHODE ISLAND LINE.

THE COMMITTEE to whom was referred the Consideration of what is proper for the Great and General Court to do in the Affair of the boundary line between this Province & the Colony of Rhode-Island, Eastwardly, are humbly of Opinion that as soon as conveniently may be, this Court apply to the Gentlemen appointed to hear & determine this controversy & desire that they would attend the said service; And that such persons as this Court shall think proper, be appointed to draw up a State of the claims & demands of this province as to the said line & represent & appear for this Province & lay the said demands before the said Commissioners, And that the General Court appoint two persons on either of whom, any Notice, summons or final Judgment may be served by the said Commissioners.

Decem<sup>r</sup> 31. 1740.

By Order of the Committee

W<sup>m</sup> DUDLEY

Read &amp;

*Ordered* that this Report be accepted. [*Passed January 1.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 254.  
Mass.  
Archives, vi.,  
563.  
Mass.  
Archives, vi.,  
562. Legisla-  
tive Records of  
the Council,  
xvii. (2), 434,  
480, 488; *ibid.*,  
xvii., Mis., 247.  
House Jour-  
nal, pp. 181, 182.  
*Ante*, p. 608,  
chap. 95.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (2), 488.

## CHAPTER 138.

## VOTE FOR APPOINTING A GUNNER FOR CASTLE WILLIAM.

Legislative  
Records of the  
Council, xvii.,  
Mis., 253.  
Mass.  
Archives,  
lxvii., 560.

Legislative  
Records of the  
Council,  
xvii. (2), 490.  
House Jour-  
nal, pp. 183, 184.

*Voted* that His Excellency the Captain General be desired to procure some Person Skilful in the Art of Gunnery to reside constantly at Castle William for the service of that Fortress as Gunner.

And for the encouragement of such a Skilful Officer there be and hereby is granted the Sum of two Hundred Pounds per Annum to be paid him from the time of relieving his Post there during the Space of two Years.

And for his further encouragment fully to Instruct ten Persons in said Art (including Six Quarter Gunners) that there be allowed him twenty Pounds for each man at the expiration of the said two Years.

And that the Charge of the Passage of said Officer hither be defrayed by the Government. [*Passed January 2.*]

## CHAPTER 139.

ORDER OF NOTICE ON THE PETITION OF ISAAC LITTLE ESQ<sup>r</sup> TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (2), 492.

House Jour-  
nal, p. 183.

A PETITION of Isaac Little of Pembroke in the County of Plymouth Esq<sup>r</sup> shewing that in a difference between him and Nicholas Sever Esq<sup>r</sup> and his Wife (Administ<sup>r</sup> of Charles Little brother to the Petitioner) upon the advice of their Arbitrators he adjusted Accompts with them, and acquittances were given on both sides; but it has since appeared that by mistake a payment made by the Petitioner was overlooked, so that he has paid one Article over twice; which mistake the said Sever and his Wife refused to rectify; upon which he carried the matter into the Law, and Judgement went against him at the Superior Court held at Plymouth in April 1736, by the Operation of the said Acquittance; And therefore Praying that he may have a Review of the said Cause at the next Superior Court for the said County, and that the matter may be tried on the merits exclusive of said Acquittance.

Read and

*Ordered* that the Petitioner serve the adverse Parties the said Nicholas Sever and his Wife with a Copy of this Petition, that they shew cause (if any they have) on the first Tuesday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed January 2.*]

## CHAPTER 140.

## ORDER OF NOTICE ON THE PETITION OF BENJAMIN BEAL AND OTHERS TO ENTER AN ACTION DE NOVO.

Legislative  
Records of the  
Council,  
xvii. (2), 493.

House Jour-  
nal, p. 178.

A PETITION of Benjamin Beal Jun<sup>r</sup> Jonathan Whitney and Simon Davis; Shewing that Josiah Powers brought his Writ of Scire Facias against the Petitioners as Sureties for Silas Houghton at the Inferior Court for the County of Middlesex, and Judgement went against the Petitioners by Default, by reason of their Attorneys being taken suddenly ill and leaving the Court: therefore Praying that they may be enabled to enter the said Action anew, and the Court be impowered to try the same as tho' no Default had been made.

Read and

*Ordered* that the petitioners serve the adverse party the said Josiah Powers with a Copy of this Petition, that he shew cause if any he hath on Thursday the eighth of January next if the Court be then Sitting, if not, on the first Thursday of the next Sitting of the Court why the Prayer thereof should not be granted. [*Passed January 2.*]

## CHAPTER 141.

VOTE ACCEPTING THE PLAT OF HADLEY TOWNSHIP, WITH A PROVISIO.

ON THE PLAT of Hadley Township surveyed by Oliver Patridge Esq<sup>r</sup> and Chain men on Oath:

*Voted* that the within Plat be Accepted with this Proviso. Viz. That the dividing Line between the Towns of Hadley and Sunderland begin at the Mouth of Mohawk Brook and runs from thence Easterly as heretofore run and perambulated, and that there be granted to the said Town of Hadly four Hundred fifty Seven Acres and Eighty Rods of Land in some of the Unappropriated Lands of the Province in the County of Hampshire as near to Sunderland as may be in Lieu of the said four Hundred fifty Seven Acres and Eighty Rods of Land taken of by Sunderland to be laid out by a Surveyor and Chain Men on Oath. And that the said Town of Hadly return a Plat thereof to this Court within twelve Months for confirmation. [*Passed January 2.*]

Legislative  
Records of the  
Council,  
xvii. (2), 493.  
Maps and  
Plans, Mis.,  
xii., 21.

Maps and  
Plans, Mis.,  
xii., 21. House  
Journal,  
pp. 228, 251  
(March, 1739);  
pp. 161, 174.  
*Infra*, chap.  
142.

## CHAPTER 142.

VOTE ACCEPTING THE PLAT OF SUNDERLAND TOWNSHIP.

A PLAT of the Town of Sunderland surveyed by Timothy Dwight Esq<sup>r</sup> and Chain men upon Oath:

*Voted* that the within Plat be accepted. [*Passed January 2.*]

Legislative  
Records of the  
Council,  
xvii. (2), 494.

Maps and  
Plans, Mis.,  
xii., 18.  
House Jour-  
nal, pp. 161, 174.  
*Supra*, chap.  
141.

## CHAPTER 143.

ORDER IMPOWERING DAN<sup>L</sup> MERRITT TO SELL LAND.

A PETITION of Daniel Merritt of Boston, Shewing that he has erected a Building upon land set off to his late Wife as her share in the Real Estate of her late Father David Norton dec<sup>d</sup> and laid out between three and four hundred Pounds, for which he is now considerably in debt; and therefore Praying for liberty to sell the Rear Part of the Land (which is worth about One Hundred and Fifty Pounds) that so he may be enabled to discharge his said debts.

Read and

*Ordered* that the Petitioner be allowed and impowered to make Sale of the Land within mentioned to any person or persons, who will give most for the same, and a Deed of Sale executed by him in due form of Law shall convey to the purchaser or purchasers a good and sufficient title to said Land to all intents and purposes. [*Passed January 2.*]

Legislative  
Records of the  
Council,  
xvii. (2), 494;  
*ibid.*, xvii.,  
Mis., 251.

House Jour-  
nal, pp. 148, 179.

## CHAPTER 144.

ORDER APPOINTING A COMMITTEE TO MANAGE THE AFFAIR REFERRING TO THE BOUNDARY ON RHOD ISL<sup>d</sup> COLONY.

Legislative  
Records of the  
Council, xvii.,  
Mis., 254.  
Mass.  
Archives, vi.,  
563.

—  
Legislative  
Records of the  
Council,  
xvii. (2), 495.  
House Jour-  
nal, p. 188.  
*Ante*, p. 723,  
chap. 137.

In Council ;

*Ordered* that W<sup>m</sup> Dudley Sam<sup>ll</sup> Welles, Benjamin Lynde Jun<sup>r</sup> & Nath<sup>l</sup> Hubbard Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Repres<sup>ves</sup> shall join be a Committee to draw up a State of the Claims & Demands of this Province as to the Boundary Line of the Colony of Rhoad Island Eastward & to represent & appear for this Province & to lay the said demands before His Majestys Commiss<sup>rs</sup> appointed to hear & determine the Controversy thereon And that the Secretary of this Province & the Sheriff of the County of Bristol be the two Persons on either of whom any Notice Summons or final Judgement may be served by the s<sup>d</sup> Commiss<sup>rs</sup>

In the House of Rep<sup>ves</sup>

Read and concur'd and Major Bourn M<sup>r</sup> Thomas Cushing Col Chandler D<sup>r</sup> Hale and Cap<sup>t</sup> Watts are Joyned in the Affair. [*Passed January 3.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 253.  
Mass.  
Archives,  
cxiv., 578.

Legislative  
Records of the  
Council,  
xvii. (2), 478,  
496. House  
Journal,  
pp. 168, 184.  
*Ante*, p. 680,  
chap. 24.

## CHAPTER 145.

ORDER SUBSTITUTING MAJOR CURTIS FOR CAP<sup>t</sup> PARTRIDGE ON THE COMMITTEE ON WOBURN LINE.

*Ordered* that Maj<sup>r</sup> Curtiss be added to the Committee Appointed the 20<sup>th</sup> of June last (Cap<sup>t</sup> Partridge desiring to be excused from that Service) to repair to the bounds between Woburn and Billerica, and Mark out and State the Same according to the Antient Settlements. &c. [*Passed January 3.*]

## CHAPTER 146.

ORDER IMPOWERING JOHN OVERING, GUARDIAN OF GEO: DAVIS &amp; OTHERS TO BRING FORWARD A WRIT OF APPEAL FROM A JUDGMENT WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (2), 461;  
*ibid.*, xvii.,  
Mis., 252.

Legislative  
Records of the  
Council,  
xvii. (2), 497.  
House Jour-  
nal, pp. 153, 187,  
188.

A PETITION of John Overing Guardian of George Davis, William Lyndsey Jun<sup>r</sup> Thomas Lyndsey, John Harris and James Mahone ; Shewing that in a cause depending between them and Daniel Bodwell of Methuen, in the Superior Court for the County of Essex. their Reasons of Appeal were quashed, by their Guardians not signing them, as Guardian ; Praying that they may be admitted to a Trial upon the Merits, at the next Superior Court for the said County, and that Execution may be staid in the mean time.

Read. And it appearing to this Court that the Adverse Parties have been served with Copies of this Petition tho' no answer is given in, And the matter being fully Considered

*Ordered* that the Prayer of the Petition be so far granted, as that the Petitioners be admitted to a Trial of their appeal within mentioned at the next Superiour Court of Judicature to be holden at Ipswich for the County of Essex in may next, and to file new reasons of appeal in time & manner as is by law required, Notifying the Adverse parties of this Order at least fourteen days before the sitting of the said Court ; and the Justices of the said Court are hereby empowered and directed to hear & determine the said appeal & give Judgment therein & award Execu-



tion thereon, Notwithstanding the Error in the former reasons of appeal; and that Execution on the Judgment aforesaid be staid in the meantime. [*Passed January 3.*]

## CHAPTER 147.

ORDER ON THE PET<sup>ON</sup> OF ABEL BLISS & OTHERS TO BE ERECTED INTO  
A PRECINCT AND TAX ASSESSED ON LANDS.

ON THE PETITION of Abel Bliss and others, [*ante*, p. 684, chap. 34] Read and it Appearing that the Non resident Proprietors have been sufficiently Notified but no answer given in

*Order'd* That the Prayer of the Petition be So far Granted As That the Petitioners Together with all the lands Petition'd for Lying Southward of the River Called Chiccupee River Running Eastly & Westly Through the Said Second Division of Said Commons be Erected Into a Separate and Distinct Precinct, and That they be Vested with all the Powers, libertys, Priviledges And Immunities as Other Precincts Hold and Enjoy, And that all the Lands Petitioned for Lying Southward of the River as aforesaid be Subjected to a Tax of two Pence old Tenor bills  $\text{p}$  Acre  $\text{p}$  Annum for the Space of Four Years Next Coming, the money Arising thereby to be applyed, for the Building a Meeting House Settlement and Support of the Ministry among Them. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xvii. (2), 498.  
Mass.  
Archives, xii.,  
145.

Mass.  
Archives, xii.,  
143. Legisla-  
tive Records  
of the Council,  
xvii. Mis., 255.  
House Jour-  
nal, pp. 61, 62,  
188. *Ante*,  
p. 684, chap. 33.

## CHAPTER 148.

ORDER ALLOWING £357 TO CPT. TIMOTHY RUGGLES.

A PETITION of Cpt. Timothy Ruggles; Shewing that upon the Encouragement given by the Government he raised a Company of One Hundred men; and subsisted and marched them to Boston, in order to proceed on the Expedition against the Spaniards, but there being neither Arms nor Commissions allowed them, the Soldiers dismiss'd themselves, by virtue of an Order of the two Houses; that the Petitioner has been at great Expence as well as Trouble and loss of time in this service; praying for an allowance from this Court.

Read & in answer thereto

*Voted* that there be allowed and paid to the petitioner out of the Public Treasury the sum of three hundred & fifty seven pounds being so much he has paid and engaged to pay as appears by proper Vouchers for Subsisting Marching &c a Company of Volunteers. And that the further sum of fifty Pounds be allowed the Petitioner out of the Public Treasury for his trouble & service in the Affair. [*Passed January 6.*]

Legislative  
Records of the  
Council,  
xvii. (2), 499;  
*ibid.*, xvii.,  
Mis., 258.

Legislative  
Records of the  
Council, xvii.  
(2), 399, 410,  
417. House  
Journal,  
pp. 104, 105, 116,  
119, 173. *Ante*,  
p. 671, chap. 1.

## CHAPTER 149.

VOTE GRANTING 100 ACRES OF LAND TO PATIENCE OWEN.

A PETITION of Patience Owen, Shewing that her Husband, presuming upon the goodness of the Government, did in his life time build upon and improve a piece of Province Land lying at the South West Corner

Legislative  
Records of the  
Council,  
xvii. (2), 499.

Mass.  
Archives,  
xvi., 110.

Legislative  
Records of the  
Council, xvii.,  
Mis., 259.  
House Jour-  
nal, pp. 163, 179.

of Sheffield; that her said Husband is dead and has left six Children, with little besides the said House and Land for their support; and Praying for the Favour of this Court as to the said Land.

Read and thereupon

*Voted* that there be granted to the Pet<sup>r</sup> and her Children in equal Shares the Quantity of One hundred Aeres including the Improvements mentioned in the Petition. Provided that a Family be continued on said land for the Space of five Years from this time. And that a Plat thereof be return'd to this Court within Twelve Months for confirmation. [*Passed January 6.*]

## CHAPTER 150.

ORDER IMPOWERING WM BRATTLE ESQ<sup>R</sup> TO FILE A COMPLAINT.

Legislative  
Records of the  
Council, xvii.  
(2), 455.  
Mass.  
Archives, xli.,  
630.

Mass.  
Archives, xli.,  
628. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 257;  
*ibid.*, xvii. (2),  
500. House  
Journal,  
pp. 150, 191.

A PETITION of William Brattle of Cambridge Esq<sup>r</sup> Shewing that at an Inferior Court of Common Pleas held at Concord for the County of Middlesex, he brought his action against Mary Blood for eight pounds four shillings damage, that Judgement went against the said Mary by default, from which she appealed to the Superior Court, and pending the Appeal she died intestate; and there being no Administrator when the Superior Court sat, the Petitioner was disabled from filing his complaint; and therefore praying that he may be impowered by this Court to file his complaint and have the benefit of the law, there being now an Administrator viz<sup>t</sup> John Blood, Son of the deceased.

Read together with the Answer of John Blood; And the Matter being fully considered:

*Ordered* That y<sup>e</sup> Prayer of this Petition be Granted And That y<sup>e</sup> Peti<sup>r</sup> be allow<sup>d</sup> to Enter his Compl<sup>t</sup> at y<sup>e</sup> Sup<sup>r</sup> Court of Judicature to be Holden at Charlestown within & for y<sup>e</sup> County of Middlesex on y<sup>e</sup> Last Tuesday of Jan<sup>y</sup> Curr<sup>t</sup>; & the s<sup>d</sup> Court is hereby Authorised & Impowered to affirm y<sup>e</sup> Judgm<sup>t</sup> of y<sup>e</sup> Inf<sup>r</sup> Court of Comon Pleas Obtaind in Favour of y<sup>e</sup> Peti<sup>r</sup> & to Grant Ex<sup>on</sup> Thereon as they might have done in Case y<sup>e</sup> Orig<sup>l</sup> Def<sup>t</sup> were yet Living, & y<sup>e</sup> time By Law Limited for Entring Such Compl<sup>t</sup> were not Elapsed & that y<sup>e</sup> Adm<sup>r</sup> on y<sup>e</sup> Estate of y<sup>e</sup> Def<sup>t</sup> Mary Blood Dee<sup>d</sup> have y<sup>e</sup> Like Advantages in y<sup>e</sup> Law as y<sup>e</sup> s<sup>d</sup> Def<sup>t</sup> would have been Entitled to were She Still Living. [*Passed January 6.*]

## CHAPTER 151.

VOTE ALLOWING £146 TO CPT. JOHN FURNEY.

Legislative  
Records of the  
Council, xvii.  
(2), 501;  
*ibid.*, xvii.,  
Mis., 209.

Legislative  
Records of the  
Council, xvii.  
(2), 399, 410,  
417. House  
Journal,  
pp. 104, 105, 116,  
119, 159, 173.  
*Ante*, p. 671,  
chap. 1.

A PETITION of Cpt. John Furney; Setting forth that upon the encouragement of the Government he raised a Company of One Hundred men, with great expence, to proceed upon the Expedition against the Spaniards; but there being no Commissions nor Arms for his Company they were dismiss'd agreeable to a Vote of both Houses; and therefore praying for a suitable consideration from this Court for his said expences and services in the affair.

Read and in answer thereto

*Voted* that there be allowed and paid the Petitioner out of the Public Treasury the sum of One hundred & forty six pounds for Subsisting Volunteers &c and that the further sum of Fifty pounds be allowed the petitioner out of the public Treasury for his trouble and Service in the Affair. [*Passed January 6.*]

## CHAPTER 152.

## ORDER IMPOWERING JOHN TYLER TO FILE A COMPLAINT.

ON THE PETITION of John Tyler Administrator to the Estate of Isaac Barron late of Chelmsford deceased [*ante*, p. 682, chap. 27]

*Voted* that this Petition be Revived And it appearing that the adverse Parties have been duely Notified but no Answer given in There-fore

*Order'd* that the Prayer of this Petition be granted, & that the Petitioner (as Administ<sup>r</sup>) have Liberty to File his Complaint at the Superiour Court of Judicature to be holden at Charlestown with in & for the County of Middlesex on the last Tuesday of January curreant: And the said Court are hereby authoriz'd & impowred to affirm the Judgment of the Inferiour Court of common Pleas obtain'd in favour of Isaac Barron (the original Plaintiff) & to grant Execution thereon; the Decease of the said Isaac, & the Expiration of the Time by Law limited for filing such Complaint, notwithstanding. [*Passed January 7.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 259.  
Mass.  
Archives,  
xvii., 622.

Mass.  
Archives,  
xvii., 622-627.  
Legislative  
Records of the  
Council,  
xvii. (2), 562.  
House Jour-  
nal, pp. 53, 192.  
*Ante*, p. 682,  
chap. 27.

## CHAPTER 153.

ORDER ON THE PETITION OF JON<sup>A</sup> MANCHESTER SETTING ASIDE A JUDGMENT.

A PETITION of Jonathan Manchester of Tiverton in the County of Bristol complaining of the Proceedings of the Courts in the trial of an Action of Deceit commenced against him by John Cook of said Town for charging too much in a Bill of Costs of an Action the Petitioner had pursued to final Judgement in the Inferior Court, as Clerk of the Military Company in the said Town, for the said Cooks not appearing in arms on the day of Training; And praying that the Judgement of the Superior Court in the said Action of Deceit may be reversed, & that the Court that taxed the said Bill of Cost may consider it and give proper remedy.

Read together with the answer of John Cook, & the same being fully considered,

*Ordered* that the prayer of the petition be granted & the Judgm<sup>t</sup> of the Superiour Court referred to therein, set aside, and the whole of the Process stopt & made void, & the Inferior Court who taxed the Bill of Cost complained of, are hereby impowred & directed at their Session in March next, upon application made by John Cook to consider of the said Bill and give releif, if any be wanting, and award Execution accordingly. [*Passed January 7.*]

Legislative  
Records of the  
Council,  
xvii. (2), 457;  
*ibid.*, xvii.,  
Mis., 261.

Legislative  
Records of the  
Council,  
xvii. (2), 483,  
503. House  
Journal,  
pp. 152, 178, 192.

## CHAPTER 154.

## ORDER ON THE PETITION OF PETER LUCE IN REGARD TO THE REDISTRIBUTION OF AN ESTATE.

A PETITION of Peter Luce of Boston, merchant, Shewing that upon his former petition an Order pass'd both Houses for impowering the Judge of Probate for the County of Suffolk to appoint Commissioners to receive his Claim as a Creditor to the Estate of Henry Guineau dec<sup>d</sup> & upon its being allowed, to grant him his proper dividend therein; but

Legislative  
Records of the  
Council,  
xvii. (2), 457.  
Mass.  
Archives,  
xvii., 736.

Mass.  
Archives,  
xvii., 735.  
House Jour-  
nal, p. 191.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 218, 257;  
*ibid.*, xvii. (2),  
309, 381, 503.  
*Ante*, p. 587,  
chap. 41.

His Excellency not having Signed that Order the Petitioner has lost the benefit thereof; praying that it may be revived.

Read, & it appearing that John Read Esq<sup>r</sup> the Attorney of Samuel Baker Esq<sup>r</sup> of London has been duly served with a Copy of this Petition but no Answer given in

*Ordered* that the prayer of the said petition be so far granted as that the Distribution of the within mentioned Guineaus Estate already made by the Judge of Probate for the County of Suffolk, be set aside & made null & void, & the said Judge is hereby impowered, & directed to commission proper persons, to receive, examine & Report upon the Pet<sup>rs</sup> Claim, the time for that Purpose fixt by Law being elapsed notwithstanding; And if the said Commissioners shall report the said Claim to be just, the said Judge is impowered & directed to make a new Distribution to & among the Creditors of the said Estate, allowing the said Lucee his proportion thereof, as if he had made his Claim within the time limited by Law: And it is further

*Ordered* upon the said Peter Lucees paying into the Hands of the said Judge the proportion allotted to each Creditor (the said Lucee deducting his own proportion of said Estate only) that the Execution within mentioned be staid, & that the Judgm<sup>t</sup> referr'd to, be underwritten Satisfied, the Costs allowed in said Judgm<sup>t</sup> being first paid to the Clerk of the Court whence the Execution came for the Use of the s<sup>d</sup> Samuel Baker. [*Passed January 7.*]

## CHAPTER 155.

Legislative  
Records of the  
Council, xvii.,  
Mis., 290.  
Mass.  
Archives, vi.,  
565.

Legislative  
Records of the  
Council,  
xvii. (2), 506.  
House Jour-  
nal, p. 112.  
*Ante*, p. 726,  
chap. 144.

ORDER ALLOWING £700 TO THE COMMITTEE FOR THE LINE ON RHOD ISL<sup>d</sup>.

*Voted* that the sum of SEVEN Hundred pounds be paid out of the Publick Treasury. to the Committee appointed by this Court to appear for & Represent this Province before His Majestys Commissioners who are to hear & determine the Boundary Line between this Province & that of Rhode Island to enable them to defrey the Charge which may arise to this Province in that affair the money to be paid out of the £7,200 Appropriation the s<sup>d</sup> Committee to be accountable. [*Passed January 8.*]

## CHAPTER 156.

ORDER OF NOTICE ON THE PETITION OF JOHN CUMMINS FOR LEAVE TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (2), 509.

House Jour-  
nal, p. 154.

A PETITION of John Cummins of Boston and Katherine his Wife praying for liberty to review an Action commenced against them by one Richard Jones of Newport in Rhoad Island mariner, at the Superior Court of Judicature either in the County of Suffolk or Bristol.

Read and

*Ordered* that the Petitioners serve the adverse Party the said Richard Jones with a Copy of this Petition, that he shew cause if any he have, on the first Tuesday of the next Sitting of this Court why the prayer thereof should not be granted; and the Execution within mentioned is staid in the meantime. [*Passed January 9.*]



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MARCH, A.D. 1741.

## CHAPTER 157.

ORDER CALLING A TOWN MEETING AT HOLDEN.

*Ordered* that M<sup>r</sup> John Bigelow a Principal Inhabitant of a New Town<sup>1</sup> lately erected out of the Northerly part of the Town of Worcester in the County of Worcester be and hereby is Authorized and Impowred to Assemble the Free holders and other Qualifyed Voters there on the first Monday of May Next in some convenient publick place in said Town in order to their chusing a Town Clerk and other Town Officers for the Year next Ensuing. [*Passed March 27.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 262.  
Mass.  
Archives,  
cxiv., 590.

Legislative  
Records of the  
Council,  
xvii. (2), 517.  
House Jour-  
nal, p. 199.  
Province  
Laws, ii., 1043,  
chap. 16.  
*Ante*, p. 717,  
chap. 120.

## CHAPTER 158.

ORDER ADDING JOHN READ AND MR. SHIRLEY, ESQ<sup>RS</sup> TO THE COMMITTEE ON THE BOUNDARY LINE BETWEEN MASSACHUSETTS AND RHODE ISLAND.

*Ordered* that John Read & William Shirley Esq<sup>rs</sup> be added to the Committee appointed by this Court in January last to draw up a State of the Claims & Demands of this Province as to the Boundary Line of the Colony of Rhoad Island Eastward & to represent & appear for this Province before His Majestys Commissioners appointed to Hear & Determine the Controversy thereon : And that any five of the said Committee be a Quorum for the said Affair. [*Passed March 27.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 263.  
Mass.  
Archives, vi.,  
565.

Legislative  
Records of the  
Council,  
xvii. (2), 518.  
House Jour-  
nal, p. 201.  
*Ante*, p. 726,  
chap. 144.

## CHAPTER 159.

ORDER GRANTING FURTHER TIME ON THE PETITION OF NATHANIEL COITE & OTHERS IN REGARD TO A SURVEY OF LAND.

A PETITION of Nathaniel Coit and others Agents for the Inhabitants of the Northerly Part of the first Parish in Gloucester, Shewing that by reason of the extremity of the weather the last Winter they were not able to have the Survey made and the Plat prepared which they were directed to do by this Court, within the time limited ; And therefore Praying for further time, and that in the mean time they be allowed to

Legislative  
Records of the  
Council,  
xvii. (2), 520.  
Mass.  
Archives,  
ccxliii., 61.  
House Jour-  
nal, p. 200.

<sup>1</sup> The town was called "Holden."



*Ante*, p. 712,  
chap. 108.

have the public Worship carried on among them, and that they may be exempted from paying any thing for that term to the support of the Parish Minister.

Read &

*Ordered* that the prayer of the petition be granted, & that the Petitioners bring in their plan on The first Tuesday of the next May Session. [*Passed March 27.*<sup>1</sup>

## CHAPTER 160.

ORDER REFERRING THE PETITION OF THE INHABITANTS OF NORTH YARMOUTH IN REGARD TO A TAX.

Legislative  
Records of the  
Council,  
xvii. (2), 523.

ON THE PETITION of the Proprietors of the Town of North Yarmouth, [*ante*, p. 711, chap. 105]

House Jour-  
nal, p. 203.  
*Ante*, p. 711,  
chap. 105.

Read together with the answer of some of the Proprietors of Lands in the said Town; and

*Ordered* that the further consideration of this Petition be refer'd to the next May Session. [*Passed March 30.*<sup>2</sup>

## CHAPTER 161.

ORDER IMPOWERING DEBORAH WELSTED ADMINISTRATRIX TO SELL PROPERTY.

Legislative  
Records of the  
Council,  
xvii. (2), 521;  
*ibid.*, xvii.,  
Mis., 263.

House Jour-  
nal, p. 204.

A PETITION of Deborah Welsted Widow of Henry Welsted late of Boston Merchant, dec'd Shewing that the said Henry purchased in Partnership with Samuel Wentworth a Still house in Boston with implements to carry on the Stilling Trade, for the greatest part of which purchase money his Estate is now indebted; And there fore Praying that she may be impowered, as she is Administ<sup>x</sup>, to sell the said Still House and implements to pay the Debts on the said Estate, and the Remainder to be distributed according to Law.

Read and

*Ordered* that the Prayer of the Petition be granted and that the Petitioner be & hereby is allowed & impowered to sell the interest of the deceased Henry Welsted in the said still House and Furniture thereof to pay off the purchase Debt, the rest to be distributed according to Law. [*Passed March 31.*

## CHAPTER 162.

Legislative  
Records of the  
Council,  
xvii. (2), 522.

VOTE SETTING FORTH THE CLAIMS OF THE MASSACHUSETTS COLONY AS TO THE BOUNDARY ON THE RHODE ISLAND COLONY.

Legislative  
Records of the  
Council, xvii.,

THE COMMITTEE on the Affair of the Boundary Line between this Province and the Colony of Rhoad Island gave in the Form of their claim to

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (2), the date is March 30.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is March 31.

be laid before the Court of Commissioners at Providence. Which was Accepted by both Houses and Consented to by the Governor.<sup>1</sup> [*Passed March 31.*

Mis., 273.  
House Journal, p. 296.  
*Aute*, p. 726,  
chap. 144.

## CHAPTER 163.

### ORDER IMPOWERING HANNAH CHEYNEY TO SELL REAL ESTATE.

A PETITION of Hannah Cheyney Widow of Ebenezer Cheyney late of Mendon in the County of Worcester dec<sup>d</sup> intestate; Shewing that her said husband died seized of a House and about one hundred Acres of Land, most of which is rough and uncultivated and will rent for very little; And therefore praying that she may be empowered to sell the said Land for the better support of herself and the child of the Deceased.

Legislative  
Records of the  
Council,  
xvii. (2), 522;  
*ibid.*, xvii.,  
Mis., 264.

House Journal, pp. 201, 203.

Read and in Answer thereto,

*Ordered* that the Petitioner have leave & She is hereby empowered to make sale of the House & Land mentioned in the Petition and to pass a good Deed in the Law for the same (by and with the Advice & Consent of M<sup>r</sup> Edmund Morse of Mendon) for the most it will sell for, the produce thereof to be disposed of as follows viz<sup>t</sup> One third part thereof to go to the Petitioner & to be for her use during the term of her natural life. She giving security to the Judge of Probate for the County of Worcester that the Principal sum shall be made good to the Child of her deceased husband by her (if living) or to the next of kin of the said Child, if the Child should die Intestate as the Law directs. The other two thirds to be lodged in the hands of the Guardian of the said Child for & towards her support & maintenance such Guardian giving Security as the Law in that Case directs. [*Passed March 31.*

## CHAPTER 164.

### ORDER OF NOTICE ON PETITION OF JOSEPH BURGH, FOR A NEW TRIAL OF AN ACTION WITH STAY OF EXECUTION.

A PETITION of Joseph Burgh of Dartmouth in the County of Bristol; Shewing that he was sued at the last Inferior Court for said County by one Jirah Swift for Three Thousand and an half of Shingles, and being unable to attend the Court, he sent a Power of Attorney to Stephen Payne Esq<sup>r</sup> to appear for him, which he depended upon, but the said Payne being called out of the Province in the Service of the Government (of which the Petitioner was not apprized in the time of it) the Action went against him by Default; therefore Praying for a Trial at the next Inferior Court for said County.

Legislative  
Records of the  
Council,  
xvii. (2), 524;  
*ibid.*, xvii.,  
Mis., 263.

House Journal, p. 204.

<sup>1</sup> The following was the form of claim:—

“The Honorable His Majestys Commissioners for marking out and Settling the boundaries between his Majesty’s Province of the Massachusetts B[a]y & Colony of Rhode Island Eastward.

Humbly sheweth the Province aforesaid.

That they have always enjoyed & still Claim as their boundaries between the Province & Colony aforesaid the Middle of the Narragansett River between the End of Rhode Island & Little Compton where the said River runs into the main Ocean and from thence along the middle of the s<sup>d</sup> River to the mouth of Seaconk river & from thence up the same river called Seaconk river below & Patucket river above, till we came to a heap of Stones on the east bank of that river & a marked pine about 15 rods Eastward, and from the said river at that place a line of Marked trees and Monuments of Stones through the Wilderness to the Colony of Connecticut, marked out & perambulated by both Governments by their Agents 14. May 1719. And therefore pray that the boundaries between the Province & Colony aforesaid may be settled adjusted & determined accordingly.” — Legislative Records of the Council, xvii., Mis., 273.

Read and

*Ordered*, that the Petitioner serve the adverse party the said Jirah Swift with a Copy of this Petition, that He shew cause (if any he hath) on the first fryday of the next May Session why the Prayer thereof should not be granted and Execution is stayed in the mean time. [*Passed March 31.*]

## CHAPTER 165.

### ORDER IMPOWERING ELISABETH HAYDEN ADMINISTRATRIX TO COMPLETE AN AGREEMENT.

Legislative  
Records of the  
Council,  
xvii. (2), 526;  
*ibid.*, xvii.,  
Mis., 266.

House Jour-  
nal, p. 208.

A PETITION of Elisabeth Heyden Widow and Administ<sup>x</sup> of Benjamin Heyden of Brantree dec<sup>d</sup> Shewing that the said Benjamin did in his life time agree with his brother Samuel Heyden, to convey to him a parcel of Salt Meadow and Creek Thatch upon the said Samuels conveying to him six acres and an half of land, lying conveniently for the said Benjamins estate; and the Parties entered upon their respective lands so exchanged, and a Deed was prepared for the said Benjamins executing but he died before it was executed; Praying that the Petitioner may be empowered to compleat the said Agreement with the said Samuel Heyden.

Read &

*Ordered* that that <sup>1</sup> the Petitioner Elizabeth Hayden be and She hereby is Authorized in her said capacity to make and execute a good Deed of Sale to the said Samuel Hayden of the Said meadow and Creek thatch. Provided the said Samuel executes a good Deed of Sale of the six Acres and a half of Land within mentioned for the use of the right Heirs of the said Benjamin agreeable to the prayer of the Petition. [*Passed April 1.*]

## CHAPTER 166.

### ORDER IMPOWERING PETER AND JOHN ATHERTON AS GUARDIANS TO SELL REAL ESTATE AND EXECUTE A DEED THEREFOR.

Legislative  
Records of the  
Council,  
xvii. (2), 528;  
*ibid.*, xvii.,  
Mis., 266.

House Jour-  
nal, p. 206.

A PETITION of Peter Atherton and John Atherton Guardians of Benjamin Atherton and Mary Atherton Children of Benj<sup>n</sup> Atherton late of Billerica dec<sup>d</sup> intestate; Praying for liberty to sell an estate consisting of a house and sixty acres of Land, in three pieces, left them by their Grandfather with an annual incumbrance beyond what the Estate will rent for, the House being greatly decayed and cannot be made tenantable.

Read and in answer thereto,

*Ordered* that the Petitioners Peter Atherton and John Atherton as Guardians to the Minors mentioned in the Petition have power and they are hereby Authorized in their said Capacity to make and execute a good Deed of Sale in the law of the dwelling House and the three peices of Land in the Township of Harvard, the real Estate of the said Minors for the most it will sell for they giving good Security to the Judge of Probate for the County of Worcester to apply and improve the produce thereof as well for the maintenance and Education of the said Minors as to defray such charge as is laid on them by thier Grandfather with respect to their Aunt Hannah Atherton and finally to be accountable for the Residuum or what shall be left to the said Minors as they come of Age, or otherways as the Judge shall Order According to Law. [*Passed April 1.*]

<sup>1</sup> *Sic.*

## CHAPTER 167.

## ORDER IMPOWERING JOHN ABRAHAM, INDIAN, TO SELL LAND.

A PETITION of John Abraham of Grafton, Indian, Shewing that he has been long afflicted with the Kings Evil and has thereby contracted a great debt for Doctors and Medicines, and therefore Praying for liberty to sell a tract of Land of about Fifty acres lying in Grafton aforesaid, for the discharge of his debts and his more comfortable support; with a Certificate on the said Petition sign'd by his Father Andrew Abraham, of his consent to the sale of the said Land.

In the House of Representatives

[Read and]

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioner be and hereby is allowed & impowered to make Sale of thirty Acres of Land mentioned in the Petition, for the most the same will sell for, In proceeding herein to Observe the directions in the Law of this Province of the 6<sup>th</sup> year of the Reign of his late Majesty King Geo: Cap. 3<sup>d</sup> relating to real Estates, and Col Nahum Ward with such as shall be join'd by the Hon<sup>ble</sup> Board are hereby desired & impowered to be aiding & assisting the Petitioner in the Premisses. The proceeds thereof to be applied to discharge the Pet<sup>r</sup>s just debts, the residue to be applied for the Petitioners future support & Comfort they to render an Account of their proceedings herein to this Court.

In Council.

Read & Concurred, & Edward Goddard Esq<sup>r</sup> is joined in the Affair.  
[*Passed April 1.*]

Legislative  
Records of the  
Council,  
xvii. (2), 529;  
*ibid.*, xvii.,  
Mis., 265.

House Jour-  
nal, pp. 205, 207.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 168.

## ORDER ON THE PETITION OF JOHN GIBBONS FOR STAY OF EXECUTION.

A PETITION of John Gibbons of Boston Apothecary, Shewing that John Adams Esq<sup>r</sup> has recovered Judgement against the Petitioner at the Superior Court for the County of Suffolk held in February last, for a great sum of money or Possession of the House and Land on which the Petitioner lives; And praying that upon his giving security to satisfy the Judgement aforesaid, in case it should be affirmed upon the Review at the next Term, Execution may be staid or be otherwise relieved.

Read together with the Answer of John Adams Esq<sup>r</sup> And the Matter being fully considered,

*Ordered* that the Prayer of the Petition be so far granted, as that the Execution of the Judgem<sup>t</sup> within mentioned be staid accordingly; Provided the Petitioner give Bond to the Respondent with sufficient Securities to pay him the Debt recovered in Case the Judgem<sup>t</sup> be affirmed with double Interest that is after the Rate of Twelve Pounds per Cent. per Annum, & double additional Costs. [*Passed April 1.*]

Legislative  
Records of the  
Council,  
xvii. (2), 518.  
Mass.  
Archives,  
xvii., 779.

Mass.  
Archives,  
xvii., 776.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 265;  
*ibid.*, xvii. (2),  
529. House  
Journal,  
pp. 200, 207.



Legislative  
Records of the  
Council, xvii.,  
Mis., 267.  
Mass.  
Archives,  
xxxI., 314.

Legislative  
Records of the  
Council,  
xvii. (2), 531.  
House Jour-  
nal, p. 210.

## CHAPTER 169.

### VOTE REQUIRING THE COMMITTEE ON THE SALE OF INDIAN LANDS TO BRING IN THEIR ACCOUNT.

*Voted* that those Gentlemen who have been appointed by this Court to be aiding and assisting the Indians in the sale of Lands be directed to render an Account of their proceedings therein to this Court in May next.<sup>1</sup> [*Passed April 2.*]

## CHAPTER 170.

### VOTE ON PETITION OF BETTY FAIRBANKS IN REGARD TO THE DISPO- SITION OF PROCEEDS OF A SALE OF LAND.

Legislative  
Records of the  
Council,  
xvii. (2), 531;  
*ibid.*, xvii.,  
Mis., 267.

House Jour-  
nal, p. 209.  
*Ante*, p. 712,  
chap. 107.

A PETITION of Betty Fairbanks late Widow of Benjamin Hall dec<sup>d</sup>, and Nathaniel Fairbanks her present Husband; Shewing that whereas this Court were pleased to give her liberty to sell the Lands of the said Benjamin Hall, directing that the Produce be laid out in other Lands; it is found most for the advantage of the heirs to invest the said produce in unsubdued Land, which will yield no profit to the Petitioner; and therefore Praying that her Dower may be reserved in money, the Interest whereof to be secured to her for life.

[*Read and*]

*Voted* that one third part of the money the lands referred to in the Within Petition shall be sold for, shall be put into the hands of the Petitioners that they may have the interest of the same during the said Betty's life, the Petitioners giving good security to the Judge of Probate for the County of Suffolk to return the Principal sum to the children of the within named Benjamin Hall deceased, upon the decease of the Petitioner Betty Fairbanks. [*Passed April 2.*]

## CHAPTER 171.

### ORDER OF NOTICE ON THE PETITION OF JOSEPH SHERBURN TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (2), 532.

House Jour-  
nal, p. 209.

A PETITION of Joseph Sherburn of Boston, Brazier, Shewing that his Writ of Review of an Action between the Petitioner and Isaac Levi of Philadelphia in the Province of Pensilvania was served on Jeremy Gridley his Attorney, by leaving a Copy in his hands; which the Superior Court judged an insufficient service, altho the law made the leaving an Attested Copy at the House of the Attorney in the Defend<sup>t</sup>s absence a sufficient service; and therefore Praying that the Judgement on this Writ may be reversed as erroneous, and that he may take out a new Writ of Review to be served on the said Gridley returnable to the next Superior Court and that the Execution on the Judgement of the Superior Court obtained by the said Levi against the Petitioner at the Term in August last may be staid in the mean time

*Read and*

*Ordered* that the Petitioner serve the Attorney of the said Isaac Levi (Mr Jeremiah Gridley) with a Copy of this Petition, that he shew cause

<sup>1</sup> For the various cases of appointment of committees on the sale of Indian lands, see the Index, title, "Committee to see justice done in sale of Indian land."



if any he hath, on the first Fryday of the next May Session, why the Prayer thereof should not be granted and Execution within named is stayed in the mean time. [*Passed April 2.*]

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## CHAPTER 172.

VOTE ADDING JOHN FOSTER ESQ<sup>r</sup> TO THE COMMITTEE ON THE MASSACHUSETTS AND RHODE ISLAND LINE.

*Voted* that John Foster Esq<sup>r</sup> be added to the Committee appointed upon the Boundary Line between this Province and the Colony of Rhoad Island. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xvii. (2), 537.

House Jour-  
nal, p. 215.  
*Ante*, p. 726,  
chap. 144.

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## CHAPTER 173.

ORDER IMPOWERING JOHN CUMMINGS TO BRING FORWARD A WRIT OF REVIEW WITH STAY OF EXECUTION.

ON THE PETITION of John Cummins, [*ante*, p. 730, chap. 156]

Read And it appearing that a Copy of this Petition has been served on the Wife of Rich<sup>d</sup> Jones within named (in his Absence) And no Answer given in,

*Ordered* that the Prayer of the Petition be so far granted, as that the Petitioner be allowed to bring his Writ of Review of the Action within mentioned at the next Superior Court of Judicature to be holden at Bristol for the County of Bristol; And the Justices of the said Court are hereby empowered to hear & determine the same, & give Judgement therein & award Execucion thereon; And that Execution on the Judgem<sup>t</sup> by Default is staid in the mean time; The adverse Party to be notified hereof fourteen Days at least before the Sitting of the Court. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xvii. (2), 537.  
Mass.  
Archives, xli.,  
596.

Mass.  
Archives, xli.,  
592-597. House  
Journal, p. 215.  
*Ante*, p. 730,  
chap. 156.

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## CHAPTER 174.

ORDER OF NOTICE ON THE PETITION OF GEORGE AND ROBERT HEWES WITH STAY OF EXECUTIONS.

A PETITION of George and Robert Hews of Boston, tanners, Shewing that this Court have staid the Executions on Judgements of both sides between them and Nath<sup>l</sup> Cunningham of Boston merchant, with whom they have for divers years past been in partnership; and forasmuch as their partnership will end in January next when their Accompts must be closed; therefore Praying that all Executions of Judgements of Courts between them may be staid till that time.

Read and

*Ordered* that the Petitioners serve the adverse party the said Nathaniel Cunningham with a Copy of the Petition, that he shew cause if any he have, on the first Tuesday of the next May Session why the Prayer thereof should not be granted and Executions within mentioned are stayed in the mean time. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xvii. (2), 538.

House Jour-  
nal, p. 216.  
*Ante*, p. 706,  
chap. 33.

## CHAPTER 175.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON STEPHEN DAVID, INDIAN, AND IMPOWERING HIM TO SELL LAND.

Legislative  
Records of the  
Council, xvii.,  
Mis., 271.

Mass.  
Archives,  
xxxI., 297.  
Legislative  
Records of the  
Council,  
xvii. (2), 539.  
House Jour-  
nal, p. 209.  
*Ante*, p. 721,  
chap. 130.

THE COMMITTEE to whom was referred the Petition of Stephen David have fully heard him on his Petition & find he is justly indebted to sundry English people about tow hundred pounds for sundry necessary things both for himself & Wife a great part of which was occasioned by reason of her sickness and that he has a large tract of Land in Middleboro' on the North side of Trout Brook, and the Committee are humbly of Opinion that it will not discommode his settlement to sell fifty Acres of his Land adjoining to the north side of said Brook to extend from David Alden's lot down Stream to include fifty Acres and all his Interest on the south side of said Brook, being poor barren land and therefore that the prayer of the Petition ought to be granted, which is humbly Submitted.

March 17. 1740.

In Council

Read &

*Ordered* that this report be accepted, and that the Petitioner be empowered to sell the land within mentioned, and that John Cushing Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Representatives be desired to assist the Petitioner in the sale of the Land, & see that justice be done him therein, & likewise that the produce be applied according to the prayer of the petition they to render an Account of their proceedings herein to the Court.

In the House of Representatives Read & Concurred [and Cpt. Edson is joined in the Affair].<sup>1</sup> [*Passed April 3.*]<sup>2</sup>

By J<sup>n</sup><sup>o</sup> CUSHING  
JOSIAH EDSON.

## CHAPTER 176.

ORDER IMPOWERING FRANCES GREGORY ADMINISTRATRIX AND ZEBADIAH ALLEN GUARDIAN TO SELL REAL ESTATE TO PAY DEBTS.

Legislative  
Records of the  
Council,  
xvii. (2), 540;  
*ibid.*, xvii.,  
Mis., 275.

House Jour-  
nal, pp. 209, 217.

A PETITION of Francis<sup>3</sup> Gregory, Widow and Administ<sup>x</sup> of John Gregory late of Weston in the County of Middlesex Dec<sup>d</sup> intestate, Shewing that her late husband has left a small real estate of about Forty seven acres of Land, and that the debts upon it are above half the value of it; and therefore Praying that she may be empowered to sell the whole, the remainder, after the debts are paid, to be distributed according to Law: Zebadiah Allen, Guardian of the deceaseds Children joining in the Petition.

Read and

*Ordered* that the prayer of the Petition be granted and the Petitioners in their Capacity aforesaid are hereby authorized to the<sup>3</sup> sell the the<sup>3</sup> Estate of the said deceased mentioned in the Petition in Order to pay the just debts of the dec<sup>d</sup> and that one third part of the remainder be for the Use of the Petitioner Frances during the term of her natural

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (2), 540. The record gives the name of W<sup>m</sup> Shirley as Governor consenting, — a mistake, as Shirley was not appointed till August 17<sup>th</sup> following (1741).

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is April 1.

<sup>3</sup> *Sic.*

life, she giving good Security to the Judge of Probate for the County of Middlesex that the principal Sum shall be made good to the heirs of the deceased, after the decease of the said Frances, the other two thirds to be for the said heirs, to be put out to interest for their Maintenance during their Minority, and they to receive their respective part thereof when they come of Age. [*Passed April 3.*]

## CHAPTER 177.

## ORDER OF NOTICE ON THE PETITION OF JOHN PINGALLY TO FILE AN APPEAL WITH STAY OF EXECUTION.

A PETITION of John Pingelly of Suffield in the County of Hampshire; Setting forth the management of one Benjamin Sitton in an Action between them, that the Petitioner was hindered by the badness of the weather from attending at the Superior Court, by which means the action upon the Appeal went against him; Praying that he may be impowered to file his Reasons of Appeal at the next Superior Court for said County, and that the Justices may be impowered to hear and try the same.

Read and

*Ordered* that the Petitioner serve the adverse party the said Benjamin Sitton with a Copy of this Petition, that he shew cause if any he have on the first Fryday of the next May Session why the prayer thereof should not be granted, and that Execution within named be staid in the mean time. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xvii. (2), 540.  
House Jour-  
nal, p. 199.

## CHAPTER 178.

## ORDER ERECTING THE INHABITANTS OF SUFFIELD EQUIVALENT LANDS INTO A SEPARATE TOWNSHIP.

A PETITION of the Inhabitants of the Lands called Suffield Equivalent Lands; Shewing that they have fulfilled the Conditions of their Grant, and have a number of Families settled there sufficient for a Township; and therefore Praying that they may be erected into a Township.<sup>1</sup>

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>rs</sup> are allowed and Impowred to bring in a Bill accordingly. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xvii. (2), 541.  
Mass.  
Archives,  
cxiv., 582.  
Mass.  
Archives,  
cxiv., 582.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 275.  
House Jour-  
nal, p. 210.  
Province  
Laws, ii., 1058,  
chap. 25.  
*Ante*, p. 525,  
chap. 117.

## CHAPTER 179.

## ORDER IMPOWERING THE IMPOST OFFICER TO REPAIR THE LIGHT-HOUSE BOAT.

A PETITION of Robert Ball Keeper of the Light House; Shewing that the said Light House Boat has met with much damage by the stormy weather the last Winter, Praying that the Commissioner of the Impost or some other person may be directed to see that she be repaired.

Read &

<sup>1</sup> The town was called "Blandford."

Legislative  
Records of the  
Council,  
xvii. (2), 541;  
*ibid.*, xvii.,  
Mis., 274.  
House Jour-  
nal, p. 211.

*Ordered* that the Prayer of the Petition be granted and the Impost Officer is directed & Ordered to see the said repairs effected accordingly. [*Passed April 3.*]

## CHAPTER 180.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE SELECTMEN OF BOSTON IN REGARD TO THE CHANNEL.

Legislative  
Records of the  
Council, xvii.,  
Mis., 276.  
Mass.  
Archives,  
lxiv., 55.

Legislative  
Records of the  
Council,  
xvii. (2), 530,  
542. House  
Journal,  
pp. 205, 207, 215.

THE COMMITTEE to whom was referred the Memorial of the town of Boston, having duly considered the same are of opinion that the method therein proposed for stopping or straitening the Channel below Castle William so as to prevent large Ships from passing there, may be as effectual for securing the Province and more especially the town of Boston as any other method we can think of; yet are not so fully satisfied that the part of the Channel which the memorialists propose to be stopt is the most suitable wherein to effect the thing designed, but that we apprehend it may be advisable before liberty be granted to proceed in the affair, that the Channel in other parts of it below the Castle & particularly in the place called the narrows be exactly measured both as to its width & depth and a representation thereof made to this Court that so they may be able with better advantage to determine an affair of so great importance.

In the name and by Order of the Committee

W<sup>M</sup> PEPPERRELL

In Council, Read & accepted.

In the House of Rep<sup>es</sup>

Read and concur'd and M<sup>r</sup> Prout and M<sup>r</sup> Bromfield with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to see the places mentioned in the Report exactly measured as to Depth and Wedth.

In Council Read & Concord & Samuel Danforth Esq<sup>r</sup> is joined in the Affair. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xvii. (2), 542.

Mass.  
Archives,  
ccxvii., 134.  
House Jour-  
nal, p. 217.  
Province  
Laws, li., 1040,  
chap. 12.  
*Ante*, p. 708,  
chap. 97.

## CHAPTER 181.

### VOTE APPROPRIATING £2,984. 8 FOR SUBSISTANCE AND WAGES OF OFFICERS AND SOLDIERS ON THE PROVINCE SNOW.

*Voted* that the Sum of Two Thousand Nine Hundred Eighty Four Pounds and eight shillings, part of the £7,200 Appropriation, be appropriated for the subsistence and Wages (according to the present Establishment) of the Officers and Seamen that shall be employed on Board the Province Snow the three months next ensuing. [*Passed April 3.*]

## CHAPTER 182.

### ORDER ALLOWING FURTHER TIME FOR THE PAYMENT OF £500 TAX AT THE PLANTATION CALLED THE ELBOWS.

Legislative  
Records of the  
Council,  
xvii. (2), 543;  
*ibid.*, xvii.,  
Mis., 276.

A PETITION of the Inhabitants of the Tract of Land called the Elbows, Setting forth that they have assessed a Tax for the paying the money due to the Province for their Land, and the assessment is committed to Collectors to collect it; but forasmuch as they have been greatly improv-

erished by the late severe Winter ; therefore Praying that they may be allowed four or five years longer for paying the said Tax.

In the House of Represent<sup>ves</sup> Read and

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioners be allowed one year longer from May next to pay the said Five Hundred Pounds.

In Council ; Read and Concur'd ; and the Collectors are directed to levy the said Tax according to the Assessment already made, at the end of one year from this time, and not before.

In the House of Represent<sup>ves</sup> Read and Concur'd. [*Passed April 3.*]

Mass.  
Archives,  
cxiv., 580.  
House Jour-  
nal, pp. 214, 216.  
*Ante*, p. 624,  
chap. 130 ;  
p. 673, chap. 6.

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## CHAPTER 183.

ORDER OF NOTICE ON THE PETITION OF ADAM WINTHROP AND THE PROPRIETORS OF THE SEBASCO DEGON ISLANDS, PRAYING TO BE ANNEXED TO THE TOWN OF BRUNSWICK.

A PETITION of Adam Winthrop Esq<sup>r</sup> & others, Proprietors of Sebasco Degon Islands lying in the County of York ; Shewing that by running the Lines of North Yarmouth the said Islands are included within that Township, and the Petitioners have been rated there, altho they are twelve miles distant by water and more by land from the body of the Town ; And therefore Praying that the said Islands may be set off from North Yarmouth and added to the Town of Brunswick.

Read and

*Ordered* that the Petitioners serve the Proprietors of North Yarmouth with a Copy of this Petition, that they shew cause if any they have on the first Fryday of the next May Session why the Prayer thereof should not be granted. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xvii. (2), 544.

Mass.  
Archives,  
cxiv., 588.  
House Jour-  
nal, p. 208.  
*Ante*, p. 131,  
chap. 12.

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## CHAPTER 184.

ORDER OF NOTICE ON THE PETITION OF EBENEZER HALL AND OTHERS OF NORTH YARMOUTH TO BE ANNEXED TO GEORGETOWN.

A PETITION of Ebenezer Hall and others Inhabitants of Small Point on the West side of Sagadahock River ; Shewing that they are at a great distance from the body of the town of North Yarmouth where they have been included by the running of the Lines of the said Town and pay their Taxes there ; Praying that they may be set off from the Town of North Yarmouth and annexed to the Town of George Town.

Read and

*Ordered* that the Petitioners serve the Proprietors of North Yarmouth with a Copy of this Petition, that they shew cause (if any they have) on the first Fryday of the next May Session, why the Prayer thereof should not be granted. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xvii. (2), 544.

Mass.  
Archives,  
cxiv., 584-587.  
House Jour-  
nal, p. 208.



## CHAPTER 185.

## ORDER REFERRING THE PETITION OF EDWARD WINSLOW WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (2), 524,  
545.

House Jour-  
nal, p. 215.

A PETITION of Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, Shewing that at the last Superior Court of Judicature for the County of Essex, one Gyles Ivory and Jemima his Wife obtained Judgement against him by way of complaint, for the sum of £86. 10. 11 and costs, which happened by the Petitioners Attorney failing to appear for him as he expected; And therefore praying that he may have a new trial on the merits at the next Superior Court for said County, and that Execution may be staid in the mean time

[Read and]

*Ordered* that this Petition be continued to the first Tuesday of the next May Session, & Execution is staid in the mean time.<sup>1</sup> [*Passed April 3.*

## CHAPTER 186.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE FORTIFYING OF EDGARTOWN.

Legislative  
Records of the  
Council,  
xvii. (2), 527;  
*ibid.*, xvii.,  
Mis., 272.  
Mass.  
Archives,  
lxxii., 562.

Mass.  
Archives,  
lxxii., 561.  
Legislative  
Records of the  
Council,  
xvii. (2), 545;  
*ibid.*, xvii.,  
Mis., 272.  
House Jour-  
nal, pp. 199, 206,  
216. *Ante*,  
p. 702, chap. 81.

A PETITION of the Inhabitants of Edgar Town in Marthas Vineyard, Shewing that whereas this Court were pleased to grant the said Town seven hundred Pounds for erecting a Fortification there, upon certain conditions express'd in the said Grant, the Petitioners are not able to comply with said Conditions; but forasmuch as their exposed condition makes it necessary that they should be fortified; therefore Praying that the sum above mentioned may be granted to them, they to expend the whole in erecting a Breast work & providing great guns and stores necessary for them. and when they shall neglect to keep up the said Fortification, that they be obliged to return the said guns and warlike Stores.

William Pepperil Esq<sup>r</sup> from the Committee of both Houses on Edgar Town Petition gave in the following Report viz<sup>t</sup>

The Committee to whom the within Petition was refered having maturely considered y<sup>e</sup> same are of opinion that there be forthwith procured at the charge of the Province five. Six pound Cannon w<sup>th</sup> suitable carriages, five half bb<sup>s</sup> of Gun Powder a suitable number of shot & other warlike Stores to the value of Seven hundred pounds in Bills of the Old tenor, and delivered to the Order of the said Town they giving security to the Province Treasurer that they will erect at their own Cost & Charge and [keep]<sup>2</sup> in repair a Breast Work and Platform suitable for said Cannon and a house to secure the Stores and that His Excellency the Cap<sup>t</sup> General be desired to give his Orders Accordingly and on the failure of their performing the Works or Maintaining them in repair that then the said Cannon and what of the Stores that are not necessarily expended shall be delivered to the Province Treasurer

p Order of the Committee

W<sup>m</sup> PEPPERELL.

Read & Accepted. [*Passed April 3.*

<sup>1</sup> At the final hearing, Aug. 29, 1741, House Journal, p. 74, this petition passed in the negative.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii., Mis., 273.

## CHAPTER 187.

## ORDER ALLOWING THE ACCOUNTS OF THE PROVINCE TREASURER.

THE ACCOMPT of William Foye Esq<sup>r</sup> Treasurer and Receiver General of the Province from the 30<sup>th</sup> day of May 1739, to the 28<sup>th</sup> day of May 1740 :

Read and

*Ordered* that the within Accompt be allowed, and the said William Foye Esq<sup>r</sup> is hereby discharged of the sums of Three Thousand one hundred and forty pounds, eleven shillings and nine pence New Tenor ; and Thirty Nine Thousand eight Hundred and five pounds ten shillings and one peny, Old Tenor ; And that he be still further accomptable for the sum of Thirty four Thousand three hundred and fourteen pounds six shillings, Old Tenor ; and Eighteen Thousand eight hundred and eighty eight pounds three shillings and four pence, New Tenor outstanding in Taxes, Loans, Interest Money, &c and also for the sum of Nineteen Thousand two hundred and eighty one Pounds thirteen shillings and five pence, Old Tenor ; and Twenty one Thousand seven hundred and sixty seven Pounds four shillings and nine pence, New Tenor remaining in his hands received in by Taxes, Impost, Excise Loans, &c to Ballance the foregoing Articles. And furthermore to accompt for Two Thousand three hundred and ninety three Pounds two shillings and three pence received by him of Daniel Russel Esq<sup>r</sup> Commissioner of Impost for Gold and Silver for Impost according to Law. [*Passed April 4.*]

Legislative  
Records of the  
Council,  
xvii. (2), 547.

House Jour-  
nal, pp. 30, 57,  
58.

## CHAPTER 188.

## ORDER DECLARING THE PROCEEDINGS ON THE PETITION OF ANNA JENKINS TO BE NULL AND VOID.

A PETITION of Anna Jenkins, Widow and Executrix of Thomas Jenkins late of Kittery in the County of York, dec<sup>d</sup> Shewing that at the Inferior Court of Common Pleas, for the County of Suffolk, in October last, Samuel Waldo commenced an Action against her husband, who died before the Action was brought to a trial ; notwithstanding which the Court gave Judgement against him for Default ; praying that the said Process may be declared Null and Void, or that the Petitioner may be otherwise relieved.

Read & it appearing that the Attorney of M<sup>r</sup> Samuel Waldo has been duly served with a Copy of this petition but no Auswer given in, And the matter being fully considered

*Voted* that the proceedings of the Inferior Court of Common pleas for the County of Suffolk on the Action of the said Samuel Waldo within referr'd to, be & hereby are declared to be null & void, the Defendant being dead before the Entry of the s<sup>d</sup> Action. [*Passed April 6.*]

Legislative  
Records of the  
Council,  
xvii. (2), 525.  
Mass.  
Archives,  
xvii., 769.

Mass.  
Archives,  
xvii., 767.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 277 ;  
*ibid.*, xvii. (2),  
549. House  
Journal,  
pp. 204, 205, 220,  
221.

## CHAPTER 189.

## ORDER OF NOTICE REFERRING THE PETITION OF ISAAC LITTLE.

Legislative  
Records of the  
Council, xvii.  
(2), 552.

Legislative  
Records of the  
Council, xvii.,  
Mis., 280.  
House Jour-  
nal, p. 220.  
*Ante*, p. 724,  
chap. 139.

A MEMORIAL of Isaac Little Esq<sup>r</sup> Shewing that by reason of the Severity of the Weather and sickness in his family he was hindered of serving Nicholas Sever Esq<sup>r</sup> with a Copy of his Petition (praying for a Trial of a Controversy between them) in proper season as the Court ordered; And therefore Praying that his said Petition may have Day in the next Session.

Read, and in answer hereto;

*Ordered* that the Memorialist serve Nicholas Sever Esq<sup>r</sup> and his wife with a copy of the Petition referr'd to, that he shew cause if any he hath, on the first Tuesday of the next May Session why the prayer thereof should not be granted. [*Passed April 7.*]

## CHAPTER 190.

## ORDER APPOINTING A COMMITTEE ON THE LINE BETWEEN HOLLISTON AND HOPKINTON.

Legislative  
Records of the  
Council, xvii.,  
Mis., 282.  
Mass.  
Archives,  
cxiv., 576.

Mass.  
Archives,  
cxiv., 575.  
Legislative  
Records of the  
Council,  
xvii. (2), 553.  
House Jour-  
nal, p. 222.  
*Ante*, p. 717,  
chap. 122.

ON THE PETITION of Edward Hutchinson of Boston Esq<sup>r</sup> Treasurer of Harvard Colledge in Cambridge. [*ante*, p. 717, chap. 122]

In the House of Rep<sup>ves</sup>

Read And

*Voted* that the Prayer of the Memorial be granted. And that Judge Greaves and Major Curtiss with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to run the said Bounds between Holliston and Hopkinton accordingly. And report thereon as soon as may be They giving seasonable Notice of this Order to said Towns. The Charge of the Comm<sup>ee</sup> to be defreayed as this Court shall Order.

In Council

Read & Concur'd and Samuel Danforth Esq is joined in the Affair. [*Passed April 7.*]

## CHAPTER 191.

## ORDER IMPOWERING THE TRUSTEE OF THE PUNCAPAUG INDIANS TO PAY £11. 1.

Legislative  
Records of the  
Council, xvii.  
(2), 555;  
*ibid.*, xvii.,  
Mis., 280.

House Jour-  
nal, p. 225.

A MEMORIAL of John Quincy Esq<sup>r</sup> Trustee for the Indians of Puncapaug: Shewing that Isaac Royal Esq<sup>r</sup> has made a demand of the Sum of £11. 1. 0 of the Memorialist, for defraying the charge of the Funeral and Sickness of Zechariah Quack one of the said Indians; And forasmuch as the Memorialist has no part of the Indians Interest Money in his hands; praying the direction of this Court for paying the said Debt out of the Stock if they think proper.

Read and

*Ordered* that the Trustee of the s<sup>d</sup> Indians be allowed to pay the said sum of Eleven pounds one Shilling out of the principal sum within mentioned in full discharge of the said Accompt. [*Passed April 9.*]

## CHAPTER 192.

VOTE ADDING CAPT JACKSON TO THE COMMITTEE ON THE LINE  
BETWEEN HOLLISTON AND HOPKINTON.Legislative  
Records of the  
Council, xvii.,  
Mis., 280.Legislative  
Records of the  
Council,  
xvii. (2), 555,  
557. House  
Journal, p. 224.  
*Ante*, p. 744,  
chap. 190.

*Voted* that Captain Jackson be added to the Committee appointed upon the line between Holliston & Hopkinton Judge Greaves desiring to be Excused from that service. [*Passed April 10.*<sup>1</sup>

## CHAPTER 193.

ORDER IMPOWERING CORRECTIONS IN THE LIST OF NARRAGANSETT  
SOLDIERS.

A PETITION of Shubal Gorham Esq<sup>r</sup> in behalf of several of his neighbours some of the Claimers of the Lands granted to the Narragansett Soldiers; Shewing that there are divers mistakes in the List of the said Claimers; Praying that the said Mistakes [may be rectified] by inserting the names of John Taylors Heirs Heirs<sup>2</sup> in the room of Richard Taylours Heirs, Edward Gray in the room of William Grays Heirs, & Josiah Crocke<sup>3</sup> in the room of Joseph Crocker.

Legislative  
Records of the  
Council,  
xvii. (2), 556.House Jour-  
nal, p. 226.  
*Ante*, p. 108,  
chap. 236.

Read and

*Ordered* that the Prayer of the Petition be granted, and the Mistakes mentioned are allowed to be Rectified accordingly. [*Passed April 10.*

## CHAPTER 194.

## VOTE ACCEPTING THE ACCOUNT OF FRANCIS WILKS.

AN ACCOMPT of Francis Wilks Esq<sup>r</sup> Agent for this Province in London of moneys received and disbursed for the Province since the making up of his last Accompt; ballance due to the Province being £64. 15. 2 sterling:

Legislative  
Records of the  
Council,  
xvii. (2), 556.House Jour-  
nal, p. 219.  
*Ante*, p. 635,  
chap. 151.  
*Infra*, chap.  
195.

*Voted* that the said Accompt, in all the Articles of it, be allowed and that Francis Wilks Esq<sup>r</sup> the Accomptant be discharged accordingly; he being further accountable for the Ballance of said Accompt due to the Province, being the sum of Sixty four Pounds fifteen shillings and two pence Sterling (exclusive of the Representatives money) and also for One Hundred Pounds Sterling which has since that Accompt been remitted to him by the Committee of this Court for purchasing Gun Powder, which Hundred Pounds has not as yet been brought to the Credit of the Province. [*Passed April 10.*

<sup>1</sup> This date is according to Legislative Records of the Council, xvii. (2); according to Legislative Records of the Council, xvii., Mis., the date is April 9.

<sup>2</sup> *Sic.*

<sup>3</sup> The House Journal, p. 226, reads, "Josiah Crocker."

## CHAPTER 195.

## VOTE IN REGARD TO THE ALLOWANCE OF THE ACCOUNT OF RICHARD PARTRIDGE.

Legislative  
Records of the  
Council, xvii.  
(2), 557.  
Mass.  
Archives, cxlvi., 121.

AN ACCOMPT of M<sup>r</sup> Richard Partridge, one of the agents for this Province in London, of moneys received of Francis Wilks Esq<sup>r</sup> and of disbursements for the Province and his own service; ballance thereof due to the said Richard Partridge is the sum of £2. 4 Sterling:

[Read and]

*Voted* that the Sum of Seventy Seven pounds four Shillings be allowed the Accomptant That the Sum of Two hundred and twenty five pounds being one hundred Pounds Sterling per Annum be disallowed.

And that there be granted to the Accomptant in the Whole for his service the Sum of one hundred Pounds Sterling to be charged to the Province in his Accompt. And that He repay the remaining Balance due from him to the Province, being One hundred and twenty two pounds Sixteen shillings Sterling into the hands of Francis Wilks Esq<sup>r</sup>. [*Passed April 10.*]

Legislative  
Records of the  
Council, xvii.,  
Mss., 281.  
House Jour-  
nal, pp. 219, 220.  
*Supra*, chap.  
194.

## CHAPTER 196.

## ORDER CALLING A TOWN MEETING AT BLANFORD.

Legislative  
Records of the  
Council, xvii.,  
Mss., 281.  
Mass.  
Archives, cxiv., 591.

*Ordered* that Robert Huston one of the Principal Inhabitants of the new Township called Blandford in the County of Hampshire be and hereby is Impowred and directed as soon as may be to notifie and warn the Inhabitants of the said Township to assemble and convene in some convenient publick place in said Town to make choice of a Town Clerk and other Town Officers to stand untill the Anniversary Meeting in March next. [*Passed April 17.*]

Legislative  
Records of the  
Council, xvii. (2), 559.  
House Jour-  
nal, p. 227.  
*Ante*, p. 739,  
chap. 178.

## CHAPTER 197.

## ORDER IMPOWERING SAMUEL IRESON TO BRING AN ACTION.

Legislative  
Records of the  
Council, xvii. (2), 523.  
Mass.  
Archives, xli., 654.

A PETITION of Samuel Ireson; Shewing that he was vouched in, by Richard Webber of Marblehead at the Inferior Court of Common [Pleas] held at Newbury in September last, to defend his Title to certain lands in Marblehead, against the suit of Joseph Hendley, and the Petitioner obtained Judgement for Costs: From which the said Hendley appealed to the last Superior Court for the County of Essex, and there obtained Judgement for the Premises sued for; And forasmuch as the Petitioner depended on his Attorneys obtaining a Continuance of the said Action to the next Term, and therefore did not attend to defend his Title, Praying that he may have a Trial of the said Action at the next Court, and that an Action now depending for a Division of the Land whereof this is a part, may be continued till the said Trial.

Read & it appearing that the Adverse party Joseph Hendley has been served with a Copy of this Petition but no Answer given in, & the Matter being fully considered

*Ordered* that the prayer of the petition be granted, & that the petitioner have a Trial of the Cause within mentioned upon the Merits at

Mass.  
Archives, xli.,  
652–659. Legis-  
lative Records  
of the Council,  
xvii. (2), 561.  
House Jour-  
nal, pp. 203, 228.



the next Superior Court of Judicature to be held at Ipswich for the County of Essex in May next, and the Justices of the said Court are hereby impowered to hear & try the same upon the Appeal as though the said Judgment by default had not been, & that the Action for the division of the Land (as within mentioned) be continued 'till such time as the said Appeal shall be tried & determined, & that Execution on the Judgm<sup>t</sup> within mentioned be staid in the mean time; provided the petitioner serve the said Hendley with a Copy of this Order at least fourteen days before the Sitting of the said Court. [*Passed April 24.*<sup>1</sup>

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## CHAPTER 198.

VOTE ADDING JOB ALMY ESQ<sup>r</sup> TO THE COMMITTEE ON THE BOUNDARY LINE BETWEEN MASSACHUSETTS AND RHODE ISLAND.

*Voted* that Job Almy Esq<sup>r</sup> be Added to the Committee upon the Boundary Line between this Province and the Colony of Rhode Island. [*Passed April 25.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 282.  
Mass.  
Archives, vi.,  
566.

Legislative  
Records of the  
Council,  
xvii. (2), 561.  
House Jour-  
nal, p. 228.  
*Ante*, p. 726,  
chap. 144.

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## CHAPTER 199.

VOTE ORDERING THE COMMITTEE ON THE QUAKERS AND WITCHCRAFT TO MAKE THEIR REPORT AT THE NEXT SESSION.

*Voted* that the Committee appointed the fifth of December last to consider of that Paragraph of His Excellency's Speech relating to the Quakers, & the Affair called Witchcraft, do make their Report at the next May Session. [*Passed April 25.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 282.  
Mass.  
Archives, xii.,  
182.

Legislative  
Records of the  
Council, xvii.,  
Mis., 236; *ibid.*,  
xvii. (2), 437,  
455, 561. House  
Journal,  
pp. 151, 195.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 25.



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